STARTING LEFT SIDE OF FILE

NO. 36-07742

Proposed Priority: August 1, 1977 Maximum Diversion Rate: 20.00 CFS

This is to certify, that **BUCKEYE FARMS INC.**
18335 US HWY 30
HAGERMAN ID 83332
has applied for a permit to appropriate water from:

BILLINGSLEY CREEK tributary of **SNAKE RIVER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
FISH PROPAGATION	01/01 to 12/31	20.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 31, Township 07S, Range 14E
GOODING County

PLACE OF USE: FISH PROPAGATION

TWN	RGE	SEC	
07S	13E	33	SENE
		34	SWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1993.**
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. The issuance of this right in no way grants any right-of-way or easement across the land of another.
5. Use of water under this right shall be non-consumptive.
6. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
7. The right holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
8. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
9. Assignment or sale of this right is subject to a determination by the Department that the right holder has proceeded to develop the right with due diligence and without speculation.
10. Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.
11. Use of water under this right is subject to control by the watermaster of State Water District No. 36A.
12. This permit is subject to the agreement dated 7/18/88 between right holder & protestant(s) to the extent such agreement covers matters within the jurisdiction of IDWR.

RECEIVED
JUN 28 1994

Form 217
11/91

RECEIVED
JUL 01 1993
Department of Water Resources

RECEIVED
JUN 29 1993
Department of Water Resources
Southern Region Office

OFFICE USE ONLY
Amt. of Fee $ 575
Date 6/29/93
Receipt No. 3015925
Receipt by DJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-07742 Telephone No. 837-6595, 734-0700 (atty.)

2. Name(s) of Permit Holder(s): BUCKEYE FARMS, INC.

3. Mailing Address: 18335 U.S. HIGHWAY 30, HAGERMAN, ID 83332

4. Source of Water: BILLINGSLEY CREEK

   If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

   OPTIONAL:
   Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

   Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

   Irrigation _____ (No. of acres) Other FISH PROP./RECREATION/AESTHETICS/FISH & WILDLIFE HABITAT

6. Total rate and/or volume for which proof is submitted 20.0 cfs **OR** _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

   Measuring device: Required? Lockable ✓ Yes ___ No Installed? ___ Yes ___ No

   OR

   Flow Measurement Port: Required? ___ Yes ✓ No Installed? ___ Yes ___ No

8. Fee Enclosed: $ 575.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

   DAN YORE — 837-6595
   Name — Telephone No.

   18335 U.S. HIGHWAY 30 — HAGERMAN, ID 83332
   Address

MICROFILMED
JUL 07 1993

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

6/28/93
Date

John A. Rosholt
Signature (and title, if on behalf of a company or organization)

JOHN A. ROSHOLT
ATTORNEY-IN-FACT

Form 202
6/85

Ident. No. 36-7742

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED SEP 24 1987

AMENDED

APPROVED

To appropriate the public waters of the State of Idaho

ASSIGNEE:

1. Name of applicant BUCKEYE FARMS, INC. Phone 622-4100

   Post office address P.O. Box 2199, Sun Valley ID 83353

2. Source of water supply BILLINGSLEY CREEK which is a tributary of SNAKE RIVER

3. Location of point of diversion is SW ¼ of NE ¼ of _____ ¼, Govt. Lot _____

   Sec. 31 Township 7 S. Range 14 E. B.M. GOODING County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 20 cfs (cfs ~~or acre-feet per annum~~) for fish propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)

   Amount 20 cfs (cfs ~~or acre-feet per annum~~) for recreation purposes from Jan. 1 to Dec. 31 (both dates inclusive)

   Amount 20 cfs (cfs ~~or acre-feet per annum~~) for aesthetics purposes from Jan. 1 to Dec. 31 (both dates inclusive)

   Amount 20 cfs (cfs ~~or acre-feet per annum~~) for fish & wildlife habitat purposes from Jan. 1 to Dec. 31 (both dates inclusive)

5. Total quantity to be appropriated is (a) 20 cubic feet per second and/or (b) 14,479.55 acre feet per annum

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Existing ditches as shown on Paragraph 13 map for propagation. Diversions to ponds for fish & wildlife habitat, recreation and aesthetics will be added as also shown.

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

   d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is FIVE years (*minimum 1 year*).

APPROVED

SEP 27 1988

8. Description of proposed uses (*if irrigation only, go to item 9*):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. Fish propagation raceways are constructed and in use utilizing water Permit No. 36-7739. This water will be used in same raceways. Diversions to ponds & for habitat (as well as for fish propagation) will be nonconsumptive.

9. Description of place of use:

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	13 E	26									JW R		JW R	JW R					
		27											JW R	JW R			JW R	JW R	
		33			JW R	JW R									JW R	JW R		JW R	
		34	JW R	JW R	JW R				HJ WR	JW R		JW R	JW R						
		35	JW R	JW R	JW R			JW R	JW R	JW R									

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 36-7739 for fish propagation. Decreed rights for irrigation & stock water will be used in habitat ponds & fish ponds prior to irrigation.

11. a. Who owns the property at the point of diversion? State

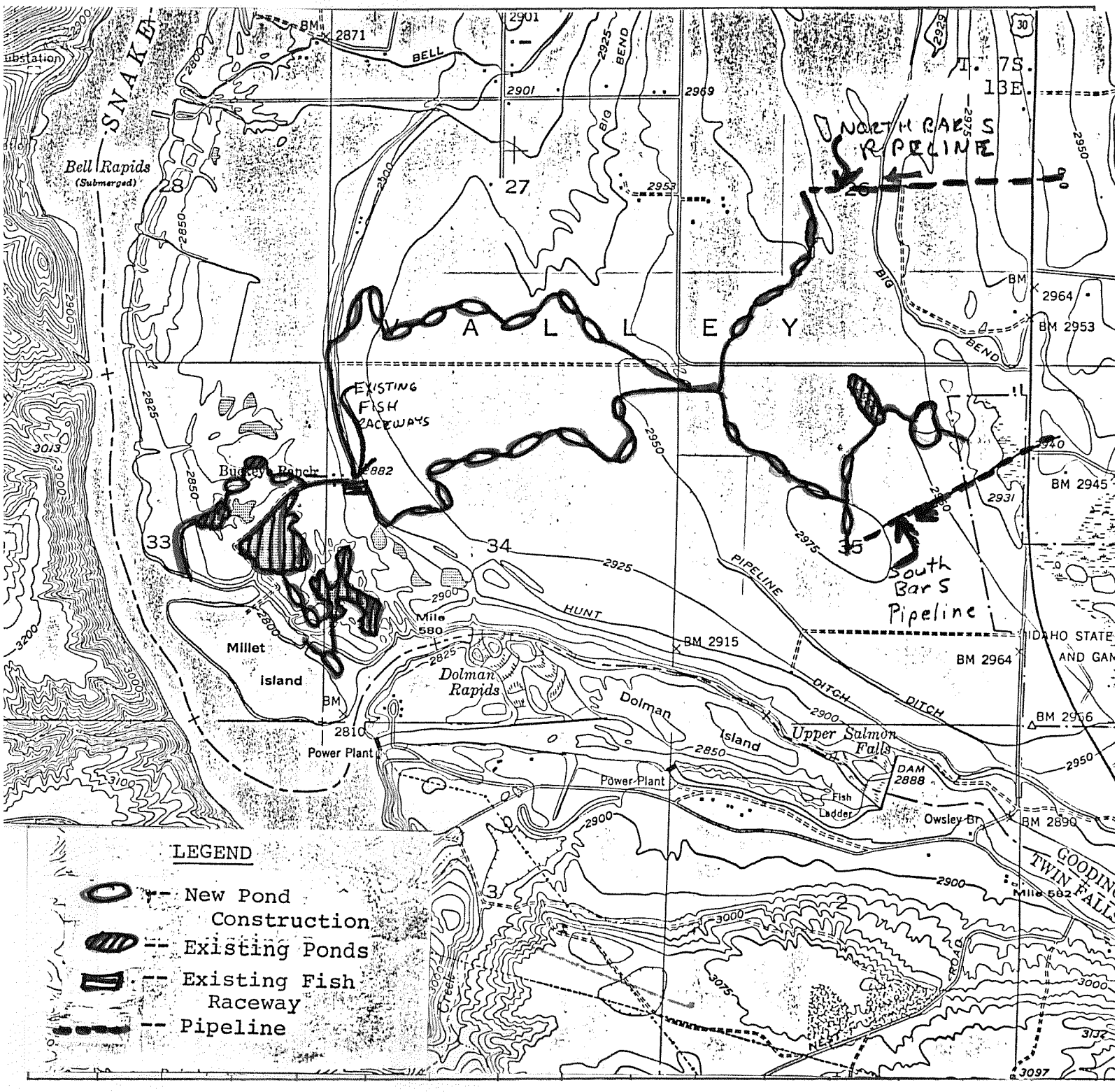
b. Who owns the land to be irrigated or place of use? Assignee

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

SEP 27 1988

12. Remarks: This Application was filed and protested in 1977. Hearing was held in February 1978 and hearing transcripts were lost. IDWR has advised that they must republish notic & rehear if there are protests. Application has been amended to show additional nonconsumptive uses proposed by permit assignee. This permit proposes the additional use of 20 cfs of Billingsley Creek diverted through the Curran Ditch presently decreed and diverted and used at Buckeye Ranch pursuant to New International Mortgage Bank v. Idaho Power Company Decree.

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

SEP 27 1988

John A. Burke, Secretary

(Applicant)

BUCKEYE FARMS, INC.

Received by M. Baldwin Da 10/8/87 10/24/87 Time 4 pm Preli. y check by AD~ Proposed Priority 9/24/87

Fee $ 20.00 Rec. 10/8/87 Receipted by M. Baldwin # 44289 Date 10/20/87

Publication prepared by M. Baldwin Date 10/23/87 Published in Statewide Gooding Co. Leader

Publication approved M. Baldwin Date 12/8/87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7742, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 93.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other: SEE ATTACHED SHEET FOR CONDITIONS e thru n.

Witness my hand this 3rd day of August, 1988.

Director

MICROFILMED

SEP 27 1988

ATTACHMENT TO CONDITIONS OF APPROVAL
For Permit No. 36-7742

e. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

f. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

g. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

h. The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.

i. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.

j. Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.

k. Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

l. Use of water under this permit shall be non-consumptive.

m. This permit is subject to the agreement dated 7/18/88 between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

n. Use of water under this permit is subject to control by the watermaster of State Water District No. 36A, Billingsley Creek.

Witness my hand this 3rd day of August, 1988.

R. Keith Higginson
Director

MICROFILMED
SEP 27 1988

RECEIVED
SEP 29 1987
Department of Water Resources

RECEIVED
SEP 28 1987
Department of Water Resources
Southern Region Office

ASSIGNMENT OF WATER RIGHT

BUCKEYE LAND COMPANY, a partnership, hereby assigns all of its right, title and interest in and to Application for Idaho Water Permit No. 36-7742 to BUCKEYE FARMS, INC., P.O. Box 2199, Sun Valley ID 83353.

DATED This 21st day of September, 1987.

By: Donnie McFadden
A General Partner
Buckeye Land Company

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 21st day of September, 1987, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Donnie McFadden, known to me to be a general partner of BUCKEYE LAND COMPANY, the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

Marilyn Yore
NOTARY PUBLIC FOR IDAHO
Residing at: Bliss
Commission expires: 8-12-93

8468m

MICROFILMED
SEP 27 1988

RECEIVED
JUL 22 1988
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-7742	
Buckeye Farms Inc. Applicant	ORDER TO SHOW CAUSE WHY PROTEST SHOULD NOT BE DISMISSED FOR FOR FAILURE TO APPEAR AT HEARING
Troutco Fisheries Development Co. Mr. & Mrs. Edward C. Shokal Paul & Inez Watkins Hagerman Valley Citizens Alert Protestants	

FINDINGS OF FACT

1) On June 10, 1988, the Department of Water Resources issued notice of hearing in the above titled matter, setting the hearing for July 18, 1988, at 1:00 PM, in the Gooding City Hall, 308 5th Ave. W., Gooding.

2) On July 18, 1988, the department convened the hearing at the announced time and place. The applicant was present and submitted for the record, agreements executed by the applicant and protestants Fisheries Development Co., Hagerman Valley Citizens Alert, and Paul & Inez Watkins. Troutco and Mr. & Mrs Edward C. Shokal were not present and did not go on record as withdrawing protests.

CONCLUSIONS OF LAW

1) Rule 9.2 of the Rules of Practice and Procedure adopted by the Department of Water Resources pursuant to chapter 52, title 67, Idaho Code provides that the director may, with predjudice, dismiss pleadings of parties who fail to appear at the time and place set for hearing.

MICROFILMED
SEP 27 1988

ORDER

It is therefore, hereby ordered that protestants Troutco and Mr. and Mrs. Edward C. Shokal shall show cause within ten (10) days of the date of this order why protests filed in this matter should not be dismissed and no longer considered by the director.

Dated this 19 day of July, 1988.

Loren O. Holmes
Southern Region Manager

SEP 27 1988

CERTIFICATE OF SERVICE

I hereby certify that I served true and correct copies of the following document on the persons listed below by mailing in the U.S. mail, first class, with correct postage affixed thereto on this 19 day of July, 1988.

DOCUMENT SERVED: ORDER TO SHOW CAUSE WHY PROTEST SHOULD NOT BE DISMISSED FOR FAILURE TO APPEAR AT HEARING IN THE MATTER OF APPLICATION FOR PERMIT NO. 36-7742

PERSONS SERVED:

Mr. & Mrs Edward C. Shokal
Rt 1 Box 410
Hagerman, ID 83332

W. A. Sandy, President
Troutco
Box 326
Hagerman, ID 83332

William L. Nungester
P.O. Box 589
Buhl, ID 83316

Loren O. Holmes
Southern Region Manager

MICROFILMED
SEP 27 1988

AFFIDAVIT of PUBLICATION

RECEIVED

DEC 4 1987

Department of Water Resources
Southern Region Office

State of Idaho,)
) SS.
County of Gooding)

J. L. Keller, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 25 day of Nov 19 87, and the date of the last publication was on the 2 day of Dec, 19 87.

J. L. Keller

Subscribed and sworn to before me this 3 day of Dec, 19 87.
(SEAL)

Sheila Schwendiman
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

OK MB 12/8/87

Number of Lines in Notice 36

Number of Insertions 2

	Lines tabular at		5¢/Pica
36	Lines straight at	18.72	4¢/Pica
36	Subsequent lines at	14.04	3¢/Pica
	TOTAL COST	32.76	

COPY OF NOTICE
(Paste Here)

Amended Application
Buckeye Farms
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF
Dept. of Water Resources
2148 4th Ave E
BILL TO
Twin Falls, ID 83301

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate public waters of the State of Idaho has been amended as follows:

36-7742

Buckeye Farms, Inc.
c/o John A. Burke, Secretary
P.O. Box 2199
Sun Valley, ID 83353

Source: Billingsley Creek trib. to Snake River

Diversion Pt: SW1/4NE1/4, Sec. 31, T7S, R14E, Gooding County; 3 miles South of Hagerman.

Use: Fish Propagation	(20.0 CFS)
Recreation	(20.0 CFS)
Aesthetics	(20.0 CFS)
Fish & Wildlife Habitat	(20.0 CFS)

Total Quantity to be appropriated: 20.0 cfs

Original Filing Date: August 1, 1977
Date Amended: September 24, 1987
IN: NE1/4SW1/4, S1/2SW1/4, Sec. 26; S1/2SW1/4, S1/2SE1/4, Sec. 27; S1/2NE1/4, N1/2SE1/4, SE1/4SE1/4, Sec. 33; N1/2NE1/4, SW1/4NE1/4, S1/2NW1/4, W1/2SW1/4, Sec. 34; N1/2NE1/4, SW1/4NE1/4, W1/2NW1/4, SE1/4NW1/4, Sec. 35, T7S, R13E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before December 14, 1987.

R. Keith Higginson, Director
372364 - G11-25-2tc

MICROFILMED No. 10-07

SEP 27 1988

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due
45.45

Account Name	Account Number
Idaho Department of Water Resources (Southern)	#100632

Address	City/State	Zip
2148 4th Avenue East	Twin Falls, ID	83301

Ordered By	P.O. Number	Rate	Run Dates
Mary A. Baldwin		NT	1987 Nov. 19, 26

Identification	Estimated Inches	Real Inches
Amended Application for Water Permit: 36-7742		

Number of Affidavits Requested	Legal Number
1	#6983

RECEIVED

DEC 2 1987

Department of Water Resources
Southern Region Office

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

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36-7742

Buckeye Farms, Inc.
c/o John A. Burke,
Secretary
P.O. Box 2199
Sun Valley, ID 83353

Source: Billingsley Creek trib. to Snake River.

Diversion Pt: SW¼ NE¼, Sec. 31, T7S, R14E, Gooding County, 3 miles South of Hagerman.

Use: Fish Propagation (20.0 CFS)
Recreation (20.0 CFS)
Aesthetics (20.0 CFS)
Fish & Wildlife Habitat (20.0 CFS)

Total Quantity to be appropriated: 20.0 cfs

Original Filing Date: August 1, 1977

Date Amended: September 24, 1987

In: NE¼ SW¼, S½SW¼, Sec. 26; S½ SW¼, S½SE¼, Sec. 27; S½ NE¼, N½SE¼, SE¼ SE¼, Sec. 33; N½NE¼, SW¼ NE¼, S½ NW¼, W½ SW¼, Sec. 34; N½ NE¼, SW¼ NE¼, W½ NW¼, SE¼ NW¼, Sec. 35, T7S, R13E.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before December 7, 1987.

R. KEITH HIGGINSON
Director

Pub. Nov. 19, 26, 1987 6983

OK MB 12/8/87

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2)

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of November 19, 1987

and ending with the issue of November 26, 1987

Deborah Gregory

Subscribed and sworn to before me this 27th

day of November, 1987

NOTARIAL SEAL

SEP 27 1988

Notary Public for Idaho, Residing at Boise, Idaho

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 112687 INVOICE No. L00121134

Account No. 44662 36-7742

Description 21134NOTIC

Times 2 Lines 42

Tab Lines

LEGAL ADVERTISING
INVOICE

SOLD TO:

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. N.
TWIN FALLS, ID 83301

RECEIVED
DEC 8 1987
Department of Water Resources
Southern Region Office

$ 36.75

NOTICE:This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

21134

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate public waters of the State of Idaho has been amended as follows:

36-7742
Buckeye Farms, Inc.
c/o John A. Burke, Secretary
P.O. Box 2199
Sun Valley, ID 83353
SOURCE: Billingsley Creek trib. to Snake River
Diversion Pt: SW¼NE¼, Sec. 31, T7S, R14E, Gooding County; 3 miles South of Hagerman.
Use:
Fish Propagation (20.0 CFS)
Recreation (20.0 CFS)
Aesthetics (20.0 CFS)
Fish & Wildlife Habitat (20.0 CFS)
Total Quantity to be appropriated: 20.0 cfs
Original Filing Date: August 1, 1977
Date Amended: September 24, 1987
In: NE¼SW¼, S½SW¼, Sec. 26; S½SW¼, S½SE¼, Sec. 27; S½NE¼, N½SE¼, SE¼SE¼, Sec. 33; N½NE¼, SW¼NE¼, S½NW¼, W½SW¼, Sec. 34; N½NE¼, SW¼NE¼, W½NW¼, SE¼NW¼, Sec. 35, T7S, R13E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before December 7, 1987.

R. Keith Higginson, Director

OK mlb 12/8/87

MICROFILMED
SEP 27 1988

STATE OF IDAHO, ss.
County of Nez Perce

C.M. VIERS, being duly sworn, deposes and says, I am the LEGAL CLERK of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF AMENDED APPLICATION

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 111987, or once a WEEK for 2 consecutive WEEKS, the first publication thereof being on the 111987, and the last publication thereof being on the 112687, and said NOTICE OF AMENDED APPLICATION was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

C. M. Viers

SUBSCRIBED AND SWORN BEFORE ME THIS THE 1 day of December 1987

Kay Reed

Notary Public in and for the State of Idaho, residing at Lewiston, therein.

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate public waters of the State of Idaho has been amended as follows.:

36-7742
Buckeye Farms, Inc.
c/o John A. Burke, Secretary
P.O. Box 2199
Sun Valley, ID 83353
SOURCE: Billingsley Creek trib. to Snake River.
Diversion PT: SW¼NE¼, Sec. 31, T7S, R14E, Gooding County; 3 miles South of Hagerman.
USE: Fish Propagation (20.0CFS)
Recreation (20.0 CFS)
Aesthetics (20.0 CFS)
Fish & Wildlife Habitat (20.0 CFS)
Total Quantity to be appropriated: 20.0 cfs
Original Filing Date: August 1, 1977
Date Amended: September 24, 1987
IN: NE¼SW¼, S½SW¼, Sec. 26: S½SW¼, S½SE¼, Sec. 27: S½NE¼, N½SE¼, SE¼SE¼, Sec. 33; N½NE¼, SW¼NE¼, S½NW¼, W½SW¼, Sec. 34; N½NE¼, SW¼NE¼, W½NW¼, SE¼NW¼, Sec. 35, T7S, R13E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83303 on or before December 7, 1987.

R. Keith Higginson, Director
PUBLISH: **Thursday**, November 19 and 26, 1987

SEP 27 1988

Affidavit of Publication

12/8/87

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

№ 18038

I, Linda Copps McGuire being first duly sworn upon oath, depose and say that I am Print Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated November 19, 1987, and ending with the issue dated November 26, 1987.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Linda Copps McGuire

Subscribed and sworn to before me on this 30 day of November, 1987.

Brenda Parker

Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

Proof of Publication

The Post-Register

RECEIVED
DEC 4 1987
Department of Water Resources
Southern Region Office

State of Idaho,
County of Bonneville } ss

I, . . J. . Robb .Brady. . . . . , first being duly sworn, depose and say: That I am the . . . . . Principal Clerk . . . . . of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for . . . . two . . . . . consecutive weeks, first publication having been made on the . . . . . 19th . . . . . day of . . . . November . . . . . , 19. 87 . . , last publication having been made on the . . . . . 26th . . . . . day of . . . November . . . . . , 19. 87 . . , and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

. . . . . J. Robb Brady . . . . . .

Subscribed and sworn to before me, this . . 2nd . . day of . . . December . . . . . , 1987 . .

. . . . . Deon L. Napier . . . . . .
Notary Public

My commission expires . . September . . 30th . . , 19. 88 .

B10

Notice of Amended

APPLICATION FOR WATER PERMIT

NOTICE IS HEREBY GIVEN that the following application for permit to appropriate public waters of the State of Idaho has been amended as follows:

36-7742

Buckeye Farms, Inc.
c/o John A. Burke, Secretary
P.O. Box 2199
Sun Valley, ID 83353

SOURCE: Billingsley Creek trib. to Snake River

Diversion Pt: SW¼NE¼, Sec. 31, T7S, R14E, Gooding County, 3 miles South of Hagerman.

Use:	
Fish Propagation	(20.0 CFS)
Recreation	(20.0 CFS)
Aesthetics	(20.0 CFS)
Fish & Wildlife Habitat	(20.0 CFS)

Total Quantity to be appropriated: 20.0 cfs
Original Filing Date: August 1, 1977
Date Amended: September 24, 1987
In: NE¼SW¼, S½SW¼, Sec. 26; S½SW¼, S½SE¼, Sec. 27; S½NE¼, N½SE¼, SE¼SE¼, Sec. 33; N½NE¼, SW¼NE¼, S½NW¼, W½SW¼, Sec. 34; N½NE¼, SW¼NE¼, W½NW¼, SE¼NW¼, Sec. 35, T7S, R13E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before December 7, 1987.

R. Keith Higginson, Director
Published: November 19, 26, 1987

MB
12/8/87

MICROFILMED
SEP 27 1988

Identification No. _____

Application No. 36-7742

RECEIVED
AUG 8 1977
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Buckeye Land Company, a partnership

   post office address Route 1, Hagerman, Idaho 83332

2. Source of water supply Billingsley Creek which is a tributary of Snake River

3. a. Location of point of diversion is SW ¼ of NE ¼ of Section 31 Township 7 S.

   Range 14 E. B.M. Gooding County; additional points of diversion if any: _____

   b. If water is not consumed, it will be discharged into Snake River at a point in NE ¼

   of _____ ¼ of Section 33 Township 7 S. Range 13 E. B.M. Gooding County

4. Water will be used for the following purposes:

   Amount 20 c/f/s (cfs or acre-feet per annum) for fish propagation purpose from Jan. 1 to Dec. 31 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

   a. 20 c/f/s cubic feet per second and/or

   b. 14,479.55 acre feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Diversion through existing Curran ditch to extent of ownership of applicant in said ditch and water.

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

   Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

   b. Estimated construction cost is $ 20,000.

8. Description of proposed uses: *As per phone conversation 8/8/77 ADM

   a. If water is **not** for irrigation:

   (1) Give the place of use of water: SW NW 34 7 S.
   SE ¼ of NE ¼ of Section 33 Township 7 S.
   13 E.
   Range 13 E. B.M.

   (2) Amount of power to be generated: _____ hp under _____ feet of head.

   (3) List number of each kind of livestock to be watered _____

   (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

   (5) If water is to be used for other purposes describe: _____
   Fish propagation in series of ponds to be constructed.

MODIFIED
SEP 27 1988

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes as described above. Same 20 c/f/s is presently decreed to the land for irrigation and stockwater purposes. (Idaho Power v. New International). ~~Same water is presently diverted on a year around basis.~~ Per letter in file dated 2-24-78

9. a. Who owns the property at the point of diversion Applicant through Curran Ditch Company.

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

Applicant is owner of proportionate share of Curran Ditch Company's ditch right.

10. Remarks The water is presently adjudicated and diverted to applicant. Applicant acknowledges prior applications that may have been filed for the same purpose. Purpose of application is to perfect right to use same water for additional non-consumptive use of fish propagation.

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

(SEE ATTACHED MAP)

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

BUCKEYE LAND COMPANY, a partnership

By: Donnie M Kadden

(Applicant) A General Partner

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Received by lc Date 8/1/77 Time 8:38

Preliminary check by ADM Fee $ none enclosed (#215.00

Receipted by ~~Am~~ Date 8/1/77 # 8692

Publication prepared by [illegible] Date 8/10/77

Published in Gooding County Leader

Publication dates 8/18 & 8/25/77

Publication approved [illegible] Date 8/29/77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by mls

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

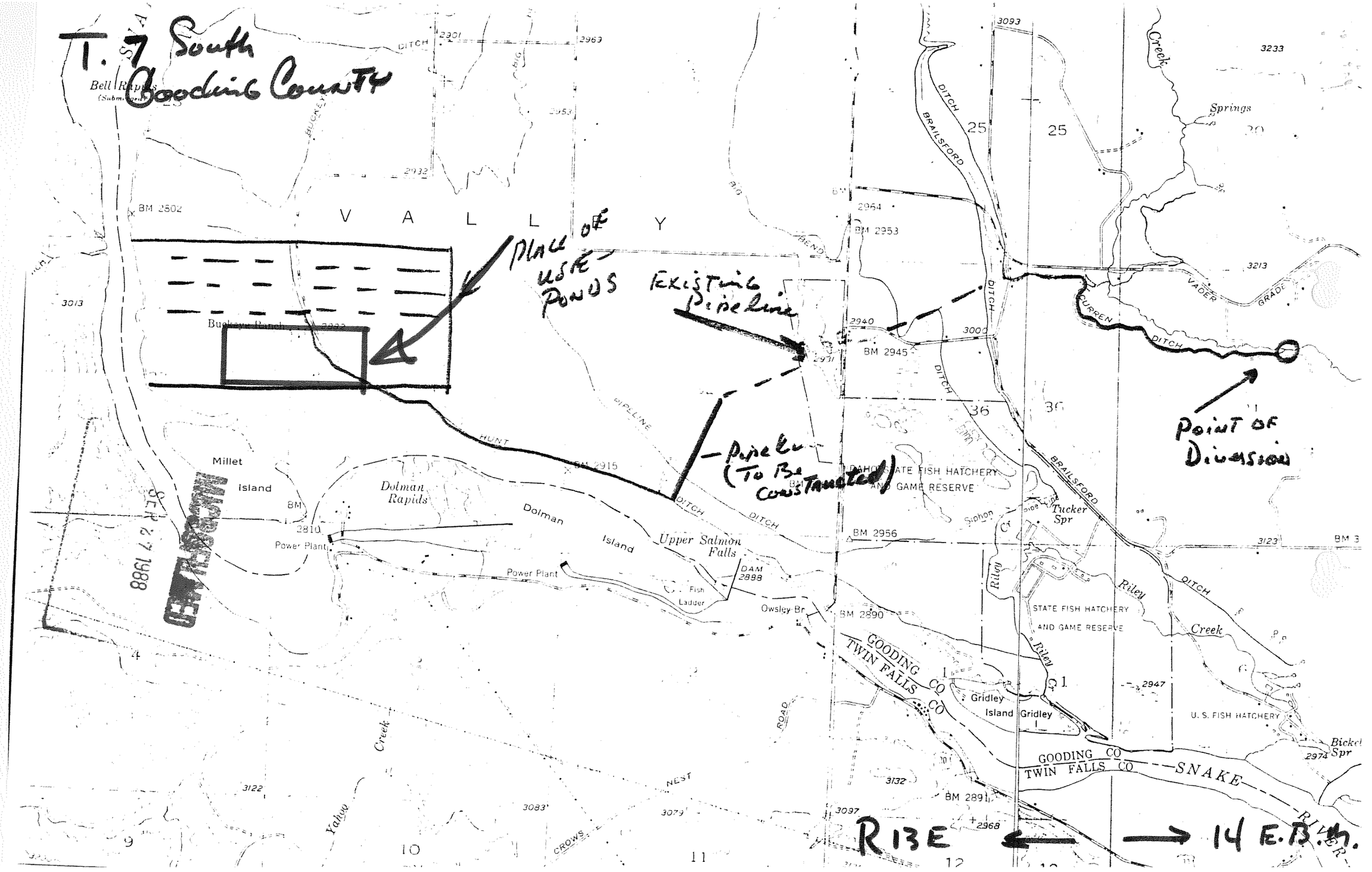
   c. Other: _____

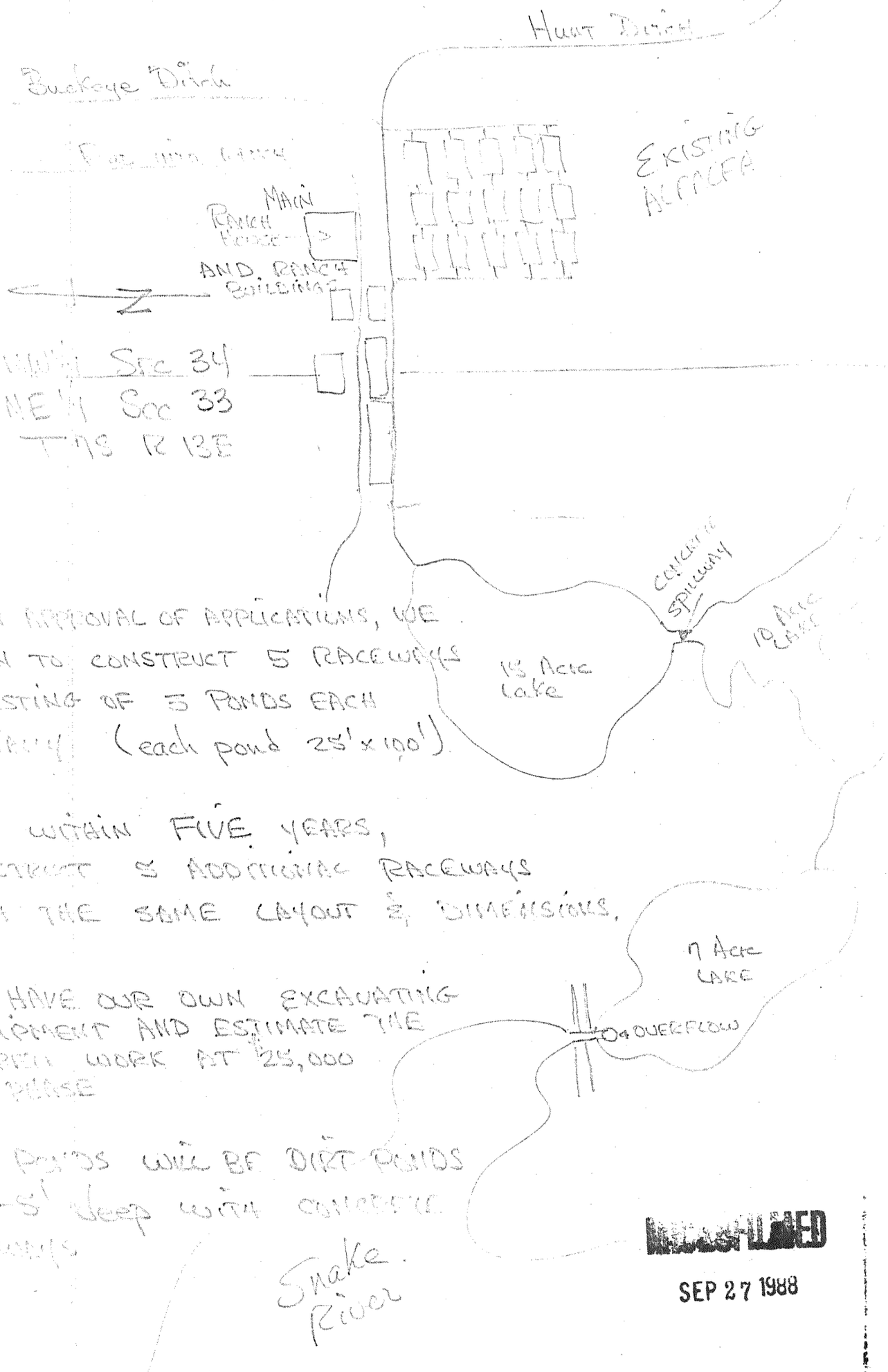
2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____ 19____.

_____
Director

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SEP 27 1988


T. 7 South
Gooding County
Bell Rapids
(Submerged)
VALLEY
BM 2802
Buckeye Ranch
Place of Use - Ponds
Existing Pipeline
Pipeline (To Be Constructed)
Point of Diversion
HUNT
BM 2915
Millet
Island
Dolman Rapids
Dolman
Island
Upper Salmon Falls
DAM 2888
Power Plant
Fish Ladder
Owsley Br
BM 2890
BM 2810
Power Plant
IDAHO STATE FISH HATCHERY AND GAME RESERVE
Tucker Spr
Siphon
BM 2956
BRAILSFORD
DITCH
Riley Cr
Riley Creek
STATE FISH HATCHERY AND GAME RESERVE
U. S. FISH HATCHERY
Bickel Spr
GOODING CO
TWIN FALLS CO
Gridley Island
Gridley
SNAKE RIVER
BM 2891
2968
2947
2974
Springs
Creek
VADER GRADE
CURREN DITCH
BM 2945
BM 2953
BM 2964
Yahoo Creek
CROWS NEST
ROAD
R13E
14 E.B.M.
MAR 27 1988
3093
3233
3213
3123
3132
3097
3079
3083
3122
3013
2940
2931
2901
2963
2953
2932
25
36
1
10
11
12



UPON APPROVAL OF APPLICATIONS, WE PLAN TO CONSTRUCT 5 RACEWAYS CONSISTING OF 3 PONDS EACH WITHIN (each pond 25' x 190')

AND WITHIN FIVE YEARS, CONSTRUCT 5 ADDITIONAL RACEWAYS WITH THE SAME LAYOUT & DIMENSIONS.

WE HAVE OUR OWN EXCAVATING EQUIPMENT AND ESTIMATE THE EARTH WORK AT $25,000 OR LESS

THE PONDS WILL BE DIRT PONDS 4-5' deep with concrete linings.

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SEP 27 1988

PARTNERSHIP AGREEMENT

THIS PARTNERSHIP AGREEMENT is made and entered into as of the 10th day of December, 1973 by and between CURTIS N. McFADDEN and DONNIE McFADDEN for the purpose of forming a general partnership on the terms and subject to the conditions hereinafter set forth.

I

FORMATION

1.1 The undersigned hereby form a general partnership (the "Partnership") under and pursuant to the provisions of the California Uniform Partnership Act, as amended (the "Act"), being Chapter 1 of Title 2 of the California Corporations Code, as amended, and the terms and conditions therein contained.

II

PARTNERS

2.1 The Partners of the Partnership are CURTIS N. McFADDEN ("CMcF"), whose residence address is 101 Ocean Avenue (Apt. No. 6), Santa Monica, California, and DONNIE McFADDEN ("DMcF"), whose residence address is Route 1, Hagerman, Idaho.

2.2 CMcF and DMcF shall each have all the rights and obligations of a General Partner under the Act, except as otherwise provided for in this Agreement, and each shall hereinafter sometimes be referred to as a Partner.

2.3 Except as otherwise expressly provided for in Section 11.4(g) below, no other person shall be admitted to the Partnership as a Partner without the prior written approval of both Partners.

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III

NAME

3.1 The name of the Partnership is "SNAKEYE LAND AND CATTLE COMPANY."

3.2 Promptly after the execution and delivery of this Agreement, the Partners shall cause to be prepared, filed and published, all certificates, statements and other instruments as may be required by applicable law in order to enable the Partnership to operate under the name "SNAKEYE LAND AND CATTLE COMPANY."

IV

BUSINESS

4.1 The business of the Partnership shall be:

(a) To enter into a joint venture with VIEJO LAND COMPANY, a California limited partnership, for the purpose of acquiring that certain ranch property commonly known as the "Buckeye Ranch," located in the County of Gooding, State of Idaho, improving and equipping the same with certain live stock and ranching facilities (including cattle feeding and breeding facilities), and thereupon leasing the same, as thus improved and equipped, to Buckeye Cattle Company, all as more particularly set forth in that certain "Joint Venture Agreement of Buckeye Land Company" (the "Buckeye Land Company Joint Venture Agreement") of even date by and between the Partnership and Viejo Land

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SEP 27 1988

representations, statements, warranties or agreements other than those herein expressed. This Agreement embodies the entire understanding of the parties, and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof, unless expressly referred to by reference herein. This instrument and the agreements contained herein may be amended or modified only by an instrument of equal formality signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the day and year first above written.

Curtis N. McFadden

Donnie McFadden

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JOINT VENTURE AGREEMENT
OF
BUCKEYE LAND COMPANY

This Joint Venture Agreement (this "Agreement") is made and entered into as of the 10th day of December, 1973 between VIEJO LAND COMPANY, a limited partnership ("V.L.Co."), and SNAKEYE LAND AND CATTLE COMPANY, a general partnership ("Snakeye"), for the purpose of forming a partnership (the "Venture") for limited purposes pursuant to the California Uniform Partnership Act, as amended (the "Act"), on the following terms and conditions.

1. Name. The name of the Venture shall be BUCKEYE LAND COMPANY. Promptly after the execution and delivery of this Agreement the Venture shall cause to be prepared, filed and published all certificates, statements and other instruments as may be required by applicable law in order to enable the Venture to operate under the name "BUCKEYE LAND COMPANY".

2. Business. The business of the Venture shall be strictly limited to (i) the acquisition of that certain real property described in Exhibit A attached hereto and incorporated herein by this reference (the "Buckeye Ranch"); (ii) the development, improvement and equipping of the Buckeye Ranch with such facilities, appurtenances, machinery, equipment and supplies as may be necessary or required in connection with, or incidental to, the conduct, operation or maintenance thereon of a livestock ranching business;

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SEP 27 1988

(iii) the leasing, purchasing, acquiring, owning, holding, operating, maintaining, selling, assigning, transferring and disposing of the Buckeye Ranch together with all improvements, facilities and appurtenances constructed or placed thereon and all machinery, equipment and supplies used in connection therewith or necessary or incidential to the conduct, operation and maintenance thereon of a livestock ranching business; (iv) borrowing money for the Venture's purposes and mortgaging, pledging or encumbering any or all of the properties of the Venture as security for such borrowings and (v) entering into all contracts and engaging in all other activities directly relating to the foregoing purposes as may be necessary, advisable or convenient to the promotion or conduct of the purposes of the Venture. The Venture shall not engage in any business or activity other than as authorized by this Agreement or as may be mutually agreed upon by the Venturers.

3. Venturers. V.L.Co. and Snakeye shall each have all the rights and obligations of a general partner under the Act except as otherwise provided in this Agreement, and each of them shall be referred to herein as a Venturer. Except as provided in Section 10, no other Venturer shall be admitted to the Venture without the prior written approval of both Venturers.

4. Place of Business. The principal place of business of the Venture shall be 26137 La Paz Road, Mission Viejo, California, or such other place or places as may from time to time be agreed upon by both Venturers.

5. Term. The Venture shall commence on the date of this Agreement and shall continue until dissolved pursuant to Section 11.

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IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the date set forth above.

VIEJO LAND COMPANY

By _____
James E. West,
General Partner

SNAKEYE LAND AND CATTLE COMPANY

By _____
Donnie D. McFadden,
General Partner

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SEP 27 1988

Viejo Management Company

January 27, 1975

J. Robert Alexander, Esq.
Benoit, Alexander & Harwood
Twin Falls Bank & Trust Building
Post Office Box 366
Twin Falls, Idaho 83301

Dear Mr. Alexander:

Enclosed please find two executed Quitclaim Deeds concerning the sale of our partnership interest in the Buckeye Ranch to Mr. Curtis McFadden. I hope that you find them in order.

If you have any further needs, please do not hesitate to call.

Very truly yours,

Anthony R. Moiso

Anthony R. Moiso

ARM:sd
enclosures

P. O. BOX 2035, MISSION VIEJO, CALIFORNIA 92675

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SEP 27 1988

QUITCLAIM DEED

THIS INDENTURE, Made this 27th day of January in the year of our Lord one thousand nine hundred and seventy-five between Viejo Land Company, a general partnership, of Mission Viejo, County of Orange, State of California, the party of the first part, and Buckeye Land Company of County of Gooding, State of Idaho, the party of the second part, whose correct address is

(street) (city) (county) (state)

WITNESSETH That the said party of the first part, for good and valuable consideration to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM, without warranty of any kind, unto the said party of the second part, and to its heirs and assigns all of those certain lots, pieces or parcels of land, situate, lying and being in County of Gooding, State of Idaho, bounded and particularly described as follows, to-wit:

The South Half of the Southwest Quarter (S 1/2 SW 1/4) and the South Half of the Southeast Quarter (S 1/2 SE 1/4) of Section 27, Township 7 South, Range 13, E.B.M.

Also: Lots 43 to 75, both inclusive; Lots 78 to 102, both inclusive; Lots 107 to 121, both

Location of Above Described Property _____
House No. Street

MAIL DEED TO:

_____

_____

_____

MAIL TAX NOTICE TO:

Name _____

Address _____

City & State _____

MICROFILMED
SEP 27 1988

inclusive; Lots 126 to 131, both inclusive; of BUCKEYE RANCH, according to the plat thereof on file in the office of the County Recorder of Gooding County, Idaho, EXCEPT Lot 9 of Section 33, Township 7 South, Range 13, E.B.M.,

Together with the following water rights;

3 Second Feet of waters flowing in Billingsley Creek with priority date of September 10, 1884.

A three-fourth's interest in the following water rights:

12 Second Feet of waters of Riley Creek, priority date of May 1, 1883;

12 Second Feet of waters of Riley Creek, priority date of October 1, 1908;

20 Second Feet of waters of Billingsley Creek, priority date of September 10, 1884.

The above decrees are of record in that certain decree of the District Court of the United States for the District of Idaho, Southern Division, entitled New International Mortgage Bank, a corporation, Plaintiff, vs. Idaho Power Company, a corporation, et al., dated March 22, 1932.

VIEJO LAND COMPANY, a
general partnership

By Anthony R. Moiso

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

ON January 27 , 1975 , before me, the undersigned, a Notary Public in and for said State, personally appeared Anthony R. Moiso known to me to be a

RECORDED
SEP 27 1988

partner of the partnership that executed the within instrument and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

OFFICIAL SEAL
SHEILA K. DILLER
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires Sept. 30, 1978

Sheila K. Diller
Notary Public

RECORDED

SEP 27 1988

QUITCLAIM DEED

THIS INDENTURE, Made this 27th day of January in the year of our Lord one thousand nine hundred and seventy-five between Viejo Management Company, a California Corporation, of Mission Viejo, County of Orange, State of California, the party of the first part, and Buckeye Land Company of County of Gooding, State of Idaho, the party of the second part, whose correct address is

(street) (city) (county) (state)

WITNESSETH That the said party of the first part, for good and valuable consideration to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM, without warranty of any kind, unto the said party of the second part, and to its heirs and assigns all of those certain lots, pieces or parcels of land, situate, lying and being in County of Gooding, State of Idaho, bounded and particularly described as follows, to-wit:

The South Half of the Southwest Quarter (S 1/2 SW 1/4) and the South Half of the Southeast Quarter (S 1/2 SE 1/4) of Section 27, Township 7 South, Range 13, E.B.M.

Also: Lots 43 to 75, both inclusive; Lots 78 to 102, both inclusive; Lots 107 to 121, both

MICROFILMED
SEP 27 1988

Location of Above Described Property _____
House No. Street

MAIL DEED TO:

MAIL TAX NOTICE TO:
Name
Address
City & State

inclusive; Lots 126 to 131, both inclusive; of BUCKEYE RANCH, according to the plat thereof on file in the office of the County Recorder of Gooding County, Idaho, EXCEPT Lot 9 of Section 33, Township 7 South, Range 13, E.B.M.,

Together with the following water rights;

3 Second Feet of waters flowing in Billingsley Creek with priority date of September 10, 1884.

A three-fourth's interest in the following water rights:

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20 Second Feet of waters of Billingsley Creek, priority date of September 10, 1884.

The above decrees are of record in that certain decree of the District Court of the United States for the District of Idaho, Southern Division, entitled New International Mortgage Bank, a corporation, Plaintiff, vs. Idaho Power Company, a corporation, et al., dated March 22, 1932.

VIEJO MANAGEMENT COMPANY

By Anthony R. Moiso

By

RECORDED

SEP 27 1988

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

ON January 27, 19 75, before me, the undersigned, a Notary Public in and for said County and State, personally appeared James E. West known to me to be the _____ President, and Anthony R. Moiso known to me to be the Executive Vice President ~~Secretary~~ of the

Corporation that executed the within instrument and acknowledged to me that such Corporation executed the within instrument pursuant to its By-laws or a Resolution of its Board of Directors.

WITNESS my hand and official seal.

OFFICIAL SEAL
SHEILA K. DILLER
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires Sept. 30, 1978

Sheila K. Diller
Notary Public

RECORDED
SEP 27 1988

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That we, CURTIS McFADDEN and DONNIE McFADDEN dba McFADDEN FARMS, a partnership, by these presents do make, constitute and appoint DONNIE McFADDEN, our true and lawful attorney for us and in our name, place and stead, and for our use and benefit in executing any and all documents in connection with the Department of Water Resources of the State of Idaho, in obtaining the appropriation of public waters for use in fish ponds on the Buckeye property located in Hagerman, County of Gooding, State of Idaho.

GIVING AND GRANTING, unto our said attorney full power and authority to do and perform all and every act and thing whatever requisite and necessary to be done in connection with the above, as fully and to all intents and purposes as we might or could do if we both were personally present, with full power of substitution or revocation hereby ratifying and confirming all that our said attorney, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of these presents.

WITNESS OUR HANDS This 26 day of August, 1977.

Donnie McFadden

Curtis McFadden

STATE OF IDAHO)
: ss
County of Gooding)

On this 26 day of August, 1977, before me, the undersigned a Notary Public in and for said State, personally appeared CURTIS McFADDEN and DONNIE McFADDEN, known to me to be partners in the partnership of McFADDEN FARMS, and known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Notary Public in and for said County and State

RECORDED
SEP 27 1988

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Gooding }

Kim R. Crompton, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 18 day of August 19 77, and the date of the last publication was on the 25 day of August, 19 77.

Kim R. Crompton

Subscribed and sworn to before me this 25 day of August, 19 77.
(SEAL)

Carmen Hein
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	32	32
Number of Insertions	2	2
Lines tabular at 315c		
32 Lines straight at 32 21c		6.72
32 Subsequent lines at 32 15c		4.80
TOTAL COST		11.52

8-9-77
Pd 10k

COPY OF NOTICE
(Paste Here)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Buckeye Land Co. Hagerman, Idaho 83332 has on 8/1/77 submitted Application No. 36-7742 for a permit to appropriate 20 cubic feet per second of water from Billingsley Creek by means of Diversion through existing ditch within the SW¼NE¼, Sec. 31, Twp. 7S, Rge. 14E, B.M. Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation within the SW¼-NW¼, Sec. 34, SE¼NE¼, Sec. 33, Twp. 7S, Rge. 13E, B.M.

If issued, this permit will be subject to all prior water rights. Protests aginst the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before September 6, 1977.

/s/ C. Stephen Allred
Director
Pub: 8-18, 25

RECEIVED
AUG 26 1977
Department of Water Resources
Southern District Office

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

21192

SEP 27 1977

No. 1329

RECEIVED

STARTING RIGHT SIDE OF FILE

Water Right #	Process	Priority Date	Div Rate	SOU	# Day's	Vol Calc	3 sig fig	Volume	Source List	Water Use List	CFS	AF
Combine use limit:											**20**	**871**
36	18 Water Right	4/1/1917	20.00						BILLINGSLEY CREEK	IRRIGATION	x	
36	7742 Water Right	8/1/1977	20.00	*1/1 - 12/31*	*365*	*14,480*	*14,500*	14,500.0	BILLINGSLEY CREEK	FISH PROPAGATION	x	
36	8730 Water Right	9/24/1987	20.00						BILLINGSLEY CREEK	DIVERSION TO STORAGE	x	
								763.0		AESTHETIC STORAGE		x
								763.0		RECREATION STORAGE		x
								763.0		WILDLIFE STORAGE		x
		Combine rate limit =	20									

36	*8728*	*Water Right*	*9/24/1987*	*6.50*					*WEATHERBY SPRINGS*	*DIVERSION TO STORAGE*		
								763.0	*WEATHERBY SPRINGS*	*AESTHETIC STORAGE*		x
								763.0	*WEATHERBY SPRINGS*	*RECREATION STORAGE*		x
								763.0	*WEATHERBY SPRINGS*	*WILDLIFE STORAGE*		x
36	*8729*	*Water Right*	*9/24/1987*	*22.45*					*RILEY CREEK*	*DIVERSION TO STORAGE*		
								748.0	*RILEY CREEK*	*AESTHETIC STORAGE*		x
								748.0	*RILEY CREEK*	*RECREATION STORAGE*		x
								748.0	*RILEY CREEK*	*WILDLIFE STORAGE*		x
36	*8335*	*Water Right*	*9/24/1987*	*11.90*					*BILLINGSLEY CREEK*	*DIVERSION TO STORAGE*		
								646.0	*BILLINGSLEY CREEK*	*AESTHETIC STORAGE*		x
								646.0	*BILLINGSLEY CREEK*	*RECREATION STORAGE*		x
								646.0	*BILLINGSLEY CREEK*	*WILDLIFE STORAGE*		x

BEEMAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com
Dana H. Rose
dana.rose@beemanlaw.com

Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

RECEIVED
MAR 13 2003
Department of Water Resources

March 12, 2003

Glen Saxton
Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237

Re: Administration of Water Rights in Water District 130
Permits 36-7739, 36-7740, 36-7742, 36-8335, 36-8728 and 36-8730
(all in the name of Buckeye Farms, Inc.)

Dear Glen:

I understand that you have assumed Norm Young's responsibilities following his retirement February 28. Norm and I were in the midst of discussions regarding permits 36-7739, 36-7740, 36-7742, 36-8335, 36-8728 and 36-8730. I wanted you to be aware that I am close to completing my review of the six permit files and will send you the letter which I had discussed with Norm regarding the conditions he was proposing for the permits.

The discussion arose because the Water Resource Coalition which I represent has been in the process of cataloguing water right records for spring users in Basins 36 and 37, indicating where administration of the recorded water right is limited by subordination provisions, self-limiting provisions, combined diversion limits, re-use issues, and diversion capacity limitations. These are significant issues for the administration of ground water and surface water rights within Water District 130 and the data will be provided to augment North Snake Ground Water District's comments for Water District 130.

Please expect my letter within two weeks. Let me know if it would be appropriate to meet with you and others regarding the administration of these six water rights.

Sincerely,

BEEMAN & ASSOCIATES, P.C.

Josephine P. Beeman

JPB:dr
Z:/1780/2a/193/5556

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 15, 2002

BUCKEYE FARMS INC
FAX: Stoney Burke, President 208-622-4138 2:21 pm
FAX: Dan Yore, General Mgr 208-837-4998 2:28 pm
FAX: John Simpson, Attorney 208-344-6034 2:25 pm
kw 5/15/02

Gentlemen:

We have reviewed the information submitted in connection with the permits diverted from Hunt Ditch and have revised the licensing amendment for Permit 36-07741. I have attached the revised amendment for your review and signature if you agree with the changes.

We now propose to license Permit 36-07741 for 24.0 cfs during the non-irrigation season, and 22.45 cfs during the irrigation season. We have changed the conditions of approval to clarify these changes – see condition nos. 3 and 4 on the second page of the amendment form. We have also revised the maximum diversion volume under this right, showing 2 separate volumes for the 2 seasons of use. Please note that we will be adjusting the conditions on the proposed license for 36-08729 once we have received the signed amendment for 36-07741.

We would like to get the licenses for Buckeye Farms issued right away, so we are faxing this information to each of you. If you are in agreement with the proposed changes, please sign the amendment form and return the signed form to us through the mail, so that we have a signed form for our file. Please note that the amendment fee for this form was receipted along with your other amendments submitted on May 10th.

If you have any questions in regard to the changes we have made, please feel free to contact me at (208)327-7944.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

of pages = 3

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 36-07741

Date of Priority: August 01,1977

Maximum Diversion Rate: 24.00 CFS
Maximum Diversion Volume: 16,700.0 AF

Comes now BUCKEYE FARMS INC
18335 U S HWY 30
HAGERMAN ID 83332 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 36-07741, and requests that the permit be changed as follows:

Source: RILEY CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
FISH PROPAGATION	11/16 to 03/14	24.00 CFS	5,660.0 AF
FISH PROPAGATION	03/15 to 11/15	22.45 CFS	11,000.0 AF

LOCATION OF POINT OF DIVERSION:
RILEY CREEK L6 SE¼SW¼NE¼ Sec. 1, Twp 08S, Rge 13E, B.M., GOODING County

PLACE OF USE: FISH PROPAGATION

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 34							X		X								

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this _____day of_____, 200__.

_____
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 36-07741

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50.00 Receipted by jm # C06971 Date 5/10/2002

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 36-07741 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Rights 36-00001, 36-00002, 36-08729 and 36-07741 when combined shall not exceed a total diversion rate of 22.45 cfs from March 15 through November 15.
4. Rights 36-08729 and 37-07741 when combined shall not exceed a total diversion rate of 24.0 cfs from November 16 through March 14.
5. Use of water under this right shall be non-consumptive.
6. Water is delivered through Hunt Ditch.
7. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.

Witness my hand this _____ day of _____, 2002.

_____
KARL J. DREHER
Director

Idaho Department of Water Resources Receipt

Receipt ID C061971

Payment Amount $350.00 **Date Received** 5/10/2002 11:37:51 AM **Region** State **Status**

Payment Type Check **Check Number** 04018

Payer BUCKEYE FARMS INC

Comment WATER RIGHTS 36-07740 36-07742 36-08730 36-08729 36-08728 36-08335 AT $50.00 EACH. OVERPAYMENT OF $50.00

Amendment of 36-7741 KW 5/15/02

Fee Detail

Amount	Description	Fund	FD	PCA	SO
$350.00	AMENDMENTS	0229	21	56105	1155

Signature Line (Dept. Representative)

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 1, 2002

BUCKEYE FARMS INC
18335 US HWY 30
HAGERMAN ID 83332

RE: Water Right Permits 36-07740, 36-07741, 36-07742

Dear Permit Holder(s):

I previously forwarded to you Applications for Amendment so that you could amend your permits to depict your water rights as they have actually been developed.

As of this date, I have not received the amendments. If I do not receive the amendments within 10 days, Water Right Licenses will be issued for less than could have been allowed. Please note that the filing fee for these amendments is **$50.00 per amendment**.

If you have any questions regarding this matter, please call me at 208-327-7944.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

KW:klt

cc: Western Legends LC
PO Box 737
Hagerman ID 83330

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 25, 2002

BUCKEYE FARMS INC
18335 US HWY 30
HAGERMAN ID 83332

RE: Water Right Permits 36-07740, 36-07741, 36-07742

Dear Permit Holder(s):

I previously forwarded to you Applications for Amendment so that you could amend your permits to depict your water rights as they have actually been developed.

As of this date, I have not received these amendments. If I do not receive these amendments within 14 days, Water Right Licenses will be issued for less than could have been allowed. In case the amendment forms I sent you have been misplaced, new ones are enclosed. Please note that the filing fee for these amendments is $50.00 **per** amendment

If you have any questions regarding this matter, please call me at 208-327-7944.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

cc: Western Legends LC
PO Box 737
Hagerman ID 83330

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 21, 2001

BUCKEYE FARMS INC
18335 U S HWY 30
HAGERMAN ID 83332

RE: Water Right Permit Nos. 36-07739, 36-07740, 36-07741, 36-07742, 36-08335, 36-08728, 36-08729, and 36-08730

Dear Permit Holders:

The Department of Water Resources is reviewing the above referenced permits prior to issuing water right licenses. By issuing licenses, the Department confirms the extent of development that has been established in compliance with the terms of the permits. The examiner who verified your water uses reported that certain elements of the permits have been developed differently than described on the permits. Changes that do not increase the authorized use of water under the permits can be requested and approved in accordance with Section 42-211, Idaho Code. Before licenses can be issued, Permit Nos. 36-07740, 36-07741, 36-07742, 36-08335, 36-08728, 36-08729 and 36-08730 must be amended to depict the water uses as actually developed.

Based on the examiner's report, the following elements were developed differently than described on the permits:

_✓_ **Places of Use**

_✓_ **Other – Nature of Use**

The enclosed Application for Amendment forms depicts the elements of the water rights as they will appear on the licenses when issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with a $50.00 filing fee, per amendment form, within 14 days.

We have also enclosed a "Draft" license for Permit No. 36-07739 for your review. This is the only permit that did not require an amendment.

If you have any questions in regard to the amendment forms or the draft license, please feel free to call me at 208-327-7944.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

Enclosures

Cc: Western Legends LC
PO Box 737
Hagerman ID 83330

with Enclosures

LICENSE REVIEW CHECKLIST

Permit No. 36-7742 Date: 2-7-02 Reviewer: Kay Walker

	Change/OK	
Name/Address	ok	
Source	ok	Does change clarify original intended source? If no, void permit.
Point of Diversion:	ok	Change (P39/P49) Add (P45/P44) Feds (P40)
		W32 (multiple in 1/4/1/4)
		W36 (overlap)
		W59 (subdivision description)
Place of Use	change	Change (P41/P49) Add (P41/P44) Feds (P43)
		W60 (subdivision description)
		W27 (ppu acre limit)
		Overlaps: Right(s): 36-18, ~~36-~~ NA, 36-8730
		File reviewed____ Profile reports printed_____
		P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 20.0 cfs
Fee Limit 20.0 cfs
Measured 20.78 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 20.0

Season of Use per new Standards

_____

Water Uses ok Change (P46)

Irrigation	_____ cfs	_____ af
Stockwater	_____ cfs	_____ af
Domestic	_____ cfs	_____ af
_____	_____ cfs	_____ af
_____	_____ cfs	_____ af
Total	_____ cfs	_____ af

Irrigation - overlap(R58-R61, **R62-R65, R66-R69)**
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette – (W22/047/27A)
Stockwater for US (R37)

Volume Determination

20 cfs x 1.9835 x 365 days = 14479.55 af **(vs)** _____ acres x _____ (FHR) = _____ af

≈ 14500.00

Remarks:_____

Additional Conditions
_____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 – remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA?_____
Government Lots?_____

Advance Priority? ~~yes~~ ✓ no If yes, explain why below.

SRBA Claim? Not req'd

Adjust memo _____

Amend Letters _____ **P87, S06** **Second Amendment Notice** _____ **S06**

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-18

WATER RIGHT NUMBER: 36-18

Owner Type	Name and Address
Attorney	JOHN A ROSHOLT ROSHOLT ROBERTSON & TUCKER PO BOX 1906 TWIN FALLS, ID 833031906 (208)732-0700
Current Owner	BUCKEYE FARMS INC 18335 U S HWY 30 HAGERMAN, ID 83332 (208)837-6595

Priority Date: 04/01/1917

Basis: Decreed

Status: Active

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	3/15 to 11/15	20.000 CFS	
	Total Diversion:	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

PID OL

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:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-18

1. Place of Use - Irrigation: 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. Explanatory: WATER IS DELIVERED THROUGH CURREN DITCH, NORTH PIPE AND SOUTH PIPE.

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 LABESL

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

Dates and Other Information:

Licensed Date:
Decreed Date: 3/6/1997
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
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:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Points of Diversion within the SWNE, S31, T07S, R14E

Basin	Sequence	Priority Date	Rate	Owner List	Source Table	Application
36	4	1884-09-10	15.00	WESTERN LEGENDS LLC (Current)	wrAdjudicationRecommendation	
36	18	4/1/1917	20.00	BUCKEYE FARMS INC (Current)	wrWaterRight	
36	18	4/1/1917	20.00		xrFromAdjClaimList	66354
36	18	4/1/1917	20.00		xrToAdjClaimList	66354
36	7742	8/1/1977	20.00	BUCKEYE FARMS INC (Current)	wrWaterRight draft	
36	7742	8/1/1977	20.00	BUCKEYE FARMS INC (Current)	wrWaterPermit	
36	8730	9/24/1987	20.00	BUCKEYE FARMS INC (Current)	wrWaterRight draft	
36	8730	9/24/1987	20.00	BUCKEYE FARMS INC (Current)	wrWaterPermit	

(Allen) per Southern: transfer filed to change p/u for irrigation- should not impact licensing of fish prop. ponds. KC 2-8-02

↑ See D-base printout in file 36-7742

2/8/2002

S1
4/92

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS: PERMIT NO. 36-07742

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler)

(✓) Blank Field Report & Notice of Completed Exam

(✓) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments, Proof of Beneficial Use, SRBA Claim (Claim Filed? _____ Required? _____)

(✓) Well Inspection Form, Dairy Water-Use Worksheet (if applicable)

(✓) Well Log(s) & Groundwater Measurement Analysis Form (if applicable)

(✓) Copy of Orthophotoquad Map

(✓) 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)

(✓) Government Lot Plats (If Applicable)

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

If Yes, Type of Overlap: ( ) Add Acres or Uses to Existing System

(✓) Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

If Yes, Type of Overlap: (✓) Increase Rate of Flow or Volume

( ) Add Supplemental Water Source

( ) Increase Acres Within Tracts

C. Field Exam Appointment Made:

Date 1-28-1997 Time _____ Place Buckeye Farm

Contact Person & Phone _____

D. Post-Exam Review & Processing

Exam Completed 6-10-2001 Notice of Completion Turned In _____

Field Report Completed 6-10-2001 Daniel A. Nelson 6-10-2001
Signature of Examiner & Date

Field Report Reviewed by Sr. Agent _____ (Initial & Date)

Field Report Reviewed by Region Mgr. AM 6/25/01 (Initial & Date)

Field Report Sent to S.O. _____ Region Card File Updated _____

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
Department of Water Resources

RECEIVED
JUL 02 2001
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-07742

1. Owner: Buckeye Farms, Inc. Phone No. (208) 837-6595

Current Address: 18335 U.S. Highway 30, Hagerman, Idaho 83332

2. Accompanied by: Dan Yore EXAM DATE : 1-28-97

Address: same as above Phone No. same as above

Relationship to Permit Holder: Farm and Hunt Club Manager

3. Source: BILLINGSLEY CREEK tributary to SNAKE RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: SEE ATTACHED LIST

2. Other water rights with the same point of diversion: SEE ATTACHED LIST

1. Point(s) of Diversion:

Ident No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
P/D FOR CURREN DITCH BILLINGSLEY CREEK			S W	NE	31	7S	14E	TWIN FALLS	Visual inspection and the use of ASCS aerial photos and USGS Quadrangle maps and Global Satellite Positioning (GPS) transferred into Arcview

2. Place(s) of Use: Indicate Method of Determination SAME AS POINT OF DIVERSION

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	13 E	34							X LT 5 & 9		X LT 3								

PLEASE NOTE: All of the above uses are for Fish Propagation and an X denotes the point of hatcheries.

LOT 9 IS THE RABBIT TRACT MINING CLAIM SUR. NO. 1 LOT 38.

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED SHEET.

YES Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

YES Aerial Photo Attached (required for irrigation of 10+ acres).

YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	**Motor Make**	**Hp**	**Motor Serial No.**	**Pump Make**	**Pump Serial No. or Discharge Size**
N/A	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**
N/A	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**

Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
WEIRS						

2. Measurements: **Weirs were used in the field exam calculations. Also the water management measurement report form with sluice gate and rating table was used to calculate the flows of Riley Creek through the Hunt Ditch.**

E. NARRATIVE/REMARKS/COMMENTS

The water delivered the ponds on the Buckeye Farm is diverted from 3 sources at 4 different points. There are 4 water rights for the wildlife ponds and 4 water rights for the two fish hatcheries. All of the water is co-mingled; there will be one narrative for all 8 water rights. The first point of diversion for the farm is from Weatherby Springs located in the NESW S30 T 7S R14E. The water from the springs is diverted down the channel through a fish hatchery owned by a neighbor. At the end of the fish hatchery is a weir used to determine the flow going to the Curren Ditch and to Buckeye Farms. This weir is marked on the map as M=11. The water is then transported through the Bar S Ditch and a pipe to the Curren Ditch where it co-mingles with Billingsley Creek water. The second point of diversion is where the Curren Ditch is diverted from Billingsley Creek in the NESW S30 T 7S R14E. There is a weir at this point also and a measurement was made. The Curren Ditch measurement of Billingsley Creek water is marked on the map as M=12. The water travels west down the Curren Ditch to the point where it joins with the Weatherby Springs water. The ditch then continues traveling west to the Buckeye Farms diversion. The ditch splits at this point with a portion of the water traveling northwest through a pipe to other users or continuing west through the Buckeye Farms pipeline. Weirs are installed on both head gates at this diversion. This point is marked as M=13 on the map. All of the water from Weatherby Springs and Billingsley Creek that is run through the Curren Ditch is called Curren Ditch water.

The Buckeye Farms pipe (known as the Curren Pipe) continues west until it reaches the Northeast corner of Section 35 T 7S R13E. At this point the pipe elbows and travels southwest to pond number 1 where it open discharges into the pond. A measurement was made on the Curren Pipeline between where it elbows and Pond 1. This measurement point is marked on the map as M=14. The water in pond 1 can be diverted east through 2 irrigation ditches, south to the Hunt Ditch, North to Pond 2, or Northwest to Pond 20. The ditch that travels north to Pond 2 feeds pond 2, pond 3 and Pond 4. Any remaining water is wasted to the Wildlife Management Area to the east of the farm. The ditch that travels Northwest to Pond 20 can divert into Pond 20 or go through a ditch that travels south to Pond 5. The water can leave pond 5 through 3 ditches. The first ditch out of Pond 5 travels south to Pond 25, which discharges, directly into the Hunt Ditch. The second ditch out of Pond 5 travels southwest out of Pond 5 to Pond 21 and then to Pond 22. Water in Pond 22 is discharged into 2 ditches. The first ditch travels south into Pond 23 and then down to Pond 24 and then to Pond 25, which diverts into the Hunt Ditch. The second ditch also travels south, but goes directly into Pond 24 and then Pond 25. This ditch also has a second ditch on it that diverts water to Pond 26 that also discharges into Hunt Ditch or North into a ditch that delivers water to the northend ponds or back into the Hunt Ditch. The third ditch out of Pond 5 travels due west. This ditch feeds all of the Northend ponds through a series of ditches. The Northend Ponds include Ponds 6 through 20. Any excess water diverted through the Northend Ponds is diverted back into the main ditch delivering water to Pond 5. All of the water that is run through Ponds 1 through 26 is discharged into the Hunt Ditch.

The Hunt Ditch is diverted from Riley Creek in the SWNE Lt6 S1 T8S R13E. The hunt ditch then travels west to Pond 26. Two ditches from Pond 1 and Pond 25 divert into the pond in the stretch from the point of diversion to Pond 26. At Pond 26 there is a headgate that can divert water from the Hunt Ditch into Pond 26. I measured the amount of water being diverted at this point and it is marked on the map as M=9. The water in Pond 26 can divert back into the Hunt Ditch at the other end of the pond or be diverted into a ditch that travels north to the Northend Ponds. The point where water is diverted back into the Hunt Ditch from Pond 26 was also measured and is marked as M=8 on the map. Once the water passes Pond 26 it flows southwest to the Hunt Ditch Fish Hatchery. All of the water from the Curren Ditch and the Hunt Ditch flows into this hatchery. The water flowing through the hatchery was also measured. At the hatchery the water is either diverted through the hatchery to Pond 27 or is routed through an overflow ditch to Pond 27 or Pond 28. The water diverted through the hatchery can either be diverted into Ponds 27 though 38, known as the Southend Ponds or it can be diverted through the Hunt Ditch to the Hunt/Buckeye Fish hatchery. The water in the Southend Ponds is discharged into the river through either Pond 36 or Pond 37. After the Hunt Ditch leaves the Hunt Ditch Fish Hatchery it travels northwest to the Hunt/Buckeye Fish hatchery. There is a ditch between the two fish hatchery that does allow water from the Northend Ponds to flow into the Hunt Ditch, but this ditch was dry during my field exam. There is also another diversion between the two fish hatcheries that diverts water into Southend Ponds through Pond 34. At the Hunt/Buckeye Fish hatchery the water is either diverted through the raceways or through an overflow ditch to Pond 34. The water from the Hunt/Buckeye Fish hatchery is then diverted through a ditch that feeds ponds 38 through 45, also known as the Middle Ponds. Water from the Middle ponds is diverted into the Snake River through Ponds 45 and 39. The water in Pond 38 does connect to Pond 35, which diverts into Ponds 36 and 37. Billingsley Creek water is also diverted through the Buckeye Ditch in the SENE S11 T 13S R 7E. It then flows south through the City of Hagerman supplying water to multiple users until it reaches the Buckeye Farm. Once the water enters the Buckeye Farm a portion of the flow is diverted west to supply water to the Northwest Ponds, Ponds 46 through 53. A measurement was made at this point and is marked on the map as M=7. The water in the Northwest ponds discharge into the Snake River through Pond 47 or 46. Water was not being diverted through the discharge ditch at Pond 47 during my field exam. Further down the Buckeye Ditch there is another diversion that allows water to be diverted through the Middle Ponds through Pond 43. The remainder of the water is sent down the Buckeye Ditch where it co-mingles with the Hunt Ditch and Curren Ditch water at the Hunt/Buckeye fish hatchery. Most of the ponds are only filled during the hunting season and the water is released for use in the 2 fish hatcheries. However, the larger ponds are generally kept full year round to supply nesting sites for the ducks and water for the fish in the ponds. Most of the deeper ponds and better-established ponds have been constructed for a private fishery as well as a hunting area for ducks and geese. During the non-hunting season the shallow ponds are dried up and planted with feed for the ducks. Prior to the hunting season these ponds are filled to allow more area for the clubs hunters.

Diagrams of the fish hatcheries have been drawn and are attached to the applications. They are fairly small commercial fish hatcheries.

OVERLAP:

There are numerous water right overlapping each point of diversion and listing each of them would be extremely difficult. Please see the attached POD and POU overlap sheets for the overlapping rights. The main rights associated with the farm are on a separate spreadsheet that is attached to the overlap sheets. These are the rights owned by Buckeye Farms for both their irrigation and wildlife uses. Since most of the overlapping rights are irrigation rights or other user's rights I recommend that the owners of this permit be limited by the amounts shown on the application. These amounts have been established through many hearings and conflicts and the rates should be maintained.

Have the conditions of permit approval been met? _X_ yes ___ no

F. FLOW CALCULATIONS _YES_ Additional Computation Sheets Attached

WATER MEASURED DURING FIELD EXAM = 20.78 CFS (SEE ATTACHED SHEET)

1995 Water Measurement Report = 32.3 cfs (SEE ATTACHED SHEETS)

PLEASE NOTE: The diversion rate is limited by the permit at a diversion rate of 20.00 cfs.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) =_____

$V_{D.R.}$= [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 =_____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$=_____

B

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

BENEFICIAL USE	PERIOD FROM	OF USE TO	ANNUAL Q (CFS)	VOLUME V(AFA)
FISH PROPAGATION	1/1	12/31	20.00	

Totals: 20.00 CFS AFA

2. Recommended Amendments

__ Change P.D. as reflected above __ Add P.D. as reflected above __ None

X Change P.U. as reflected above __ Add P.U. as reflected above __ Other

I. AUTHENTICATION

Field Examiner's Name _____ Date _____

Reviewer _____ Date _____ SEAL

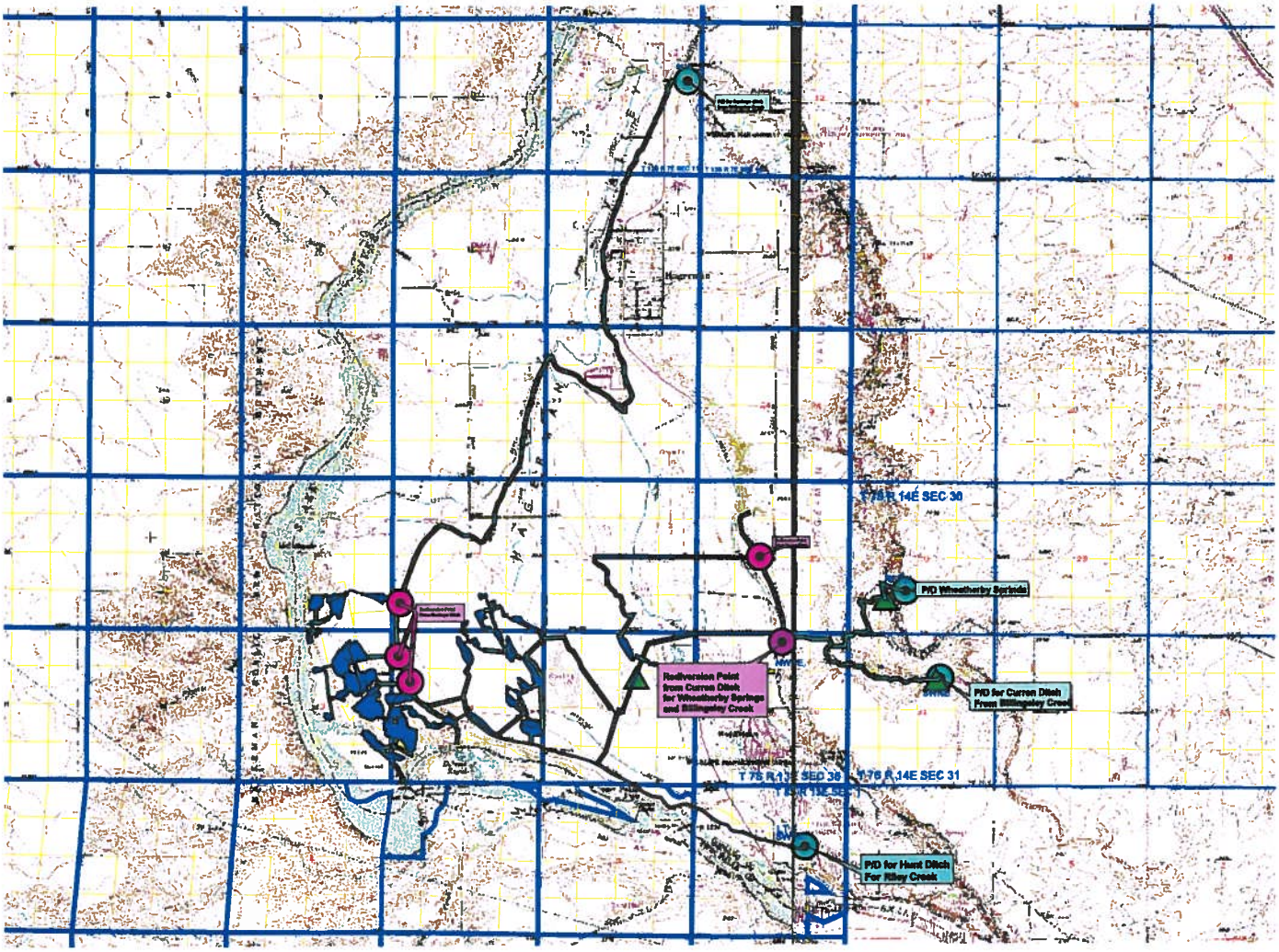
RECOMMENDATIONS:

I recommend that this permit be licensed under the following conditions:

1. That it is licensed for 20.00-cfs diversion rate.

2. A measuring device be installed and maintained before and after the hatchery.

Buckeye Farms Distribution System



0.3 0 0.3 0.6 0.9 1.2 1.5 1.8 2.1 Miles

N

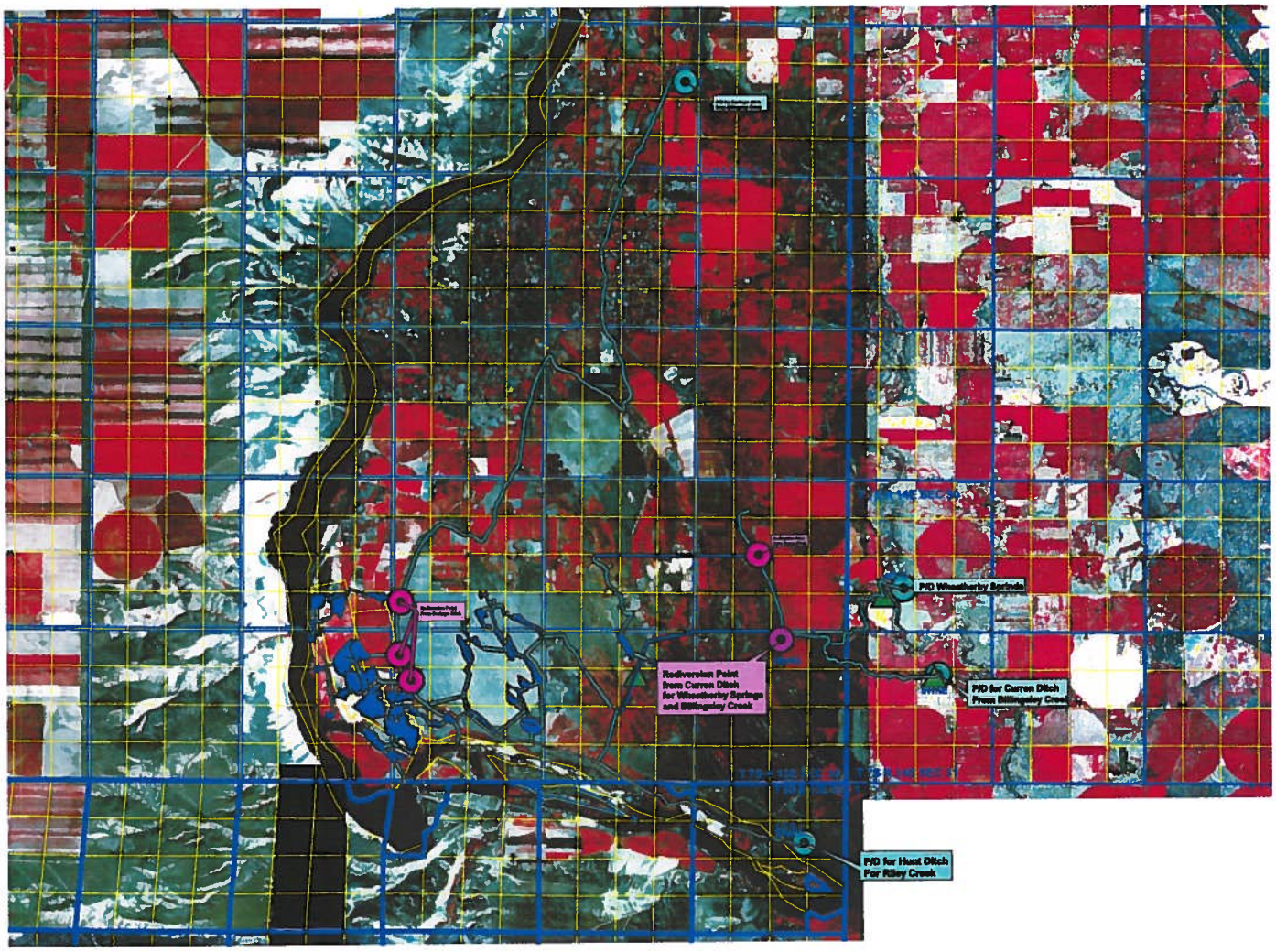
Fish Hatcherys

PONDS

Points of Diversion

Rediversion points

Buckeye Farms Distribution System



0.3 0 0.3 0.6 0.9 1.2 1.5 1.8 2.1 Miles

N

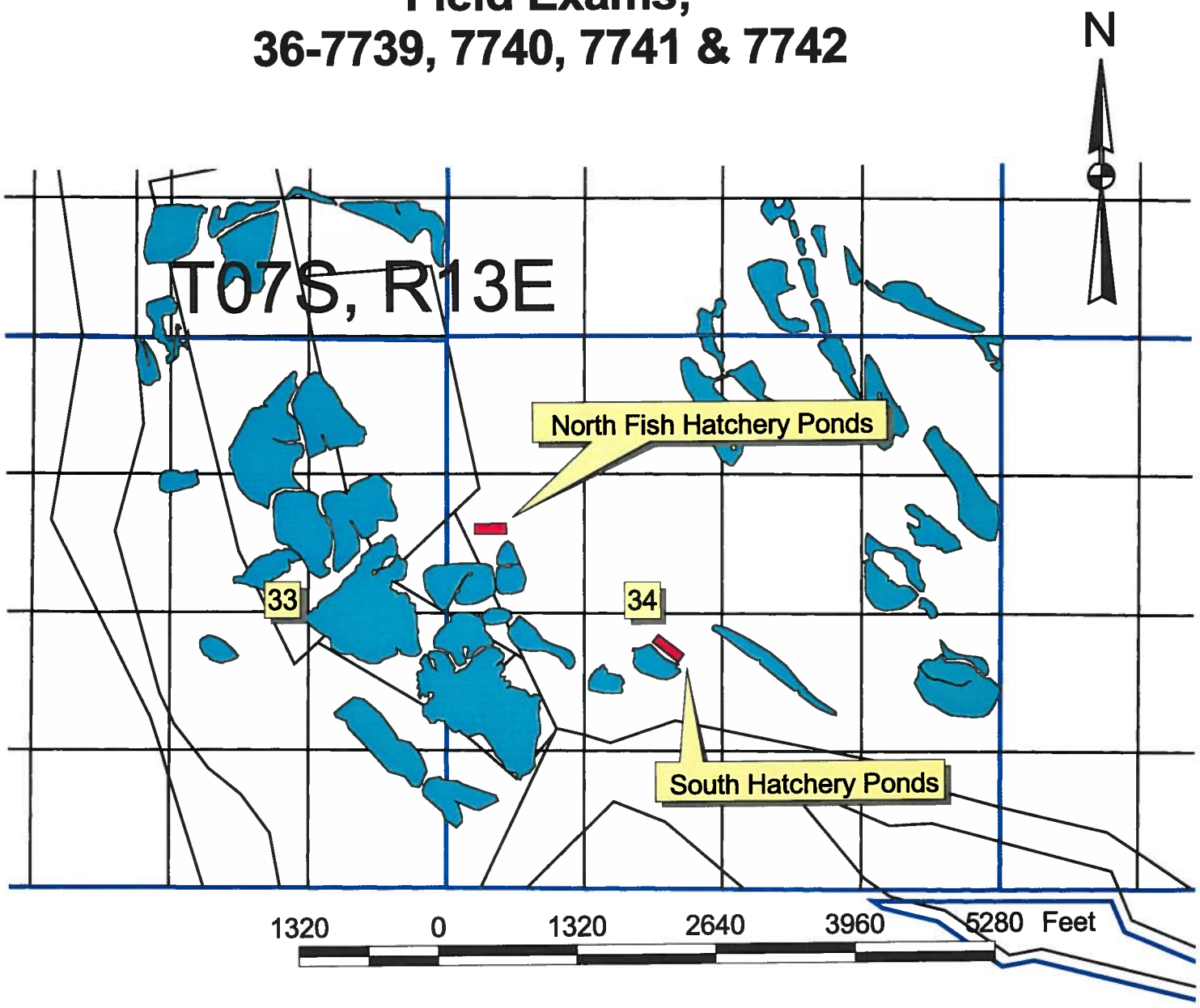
Fish Hatcherys

PONDS

Points of Diversion

Rediversion points

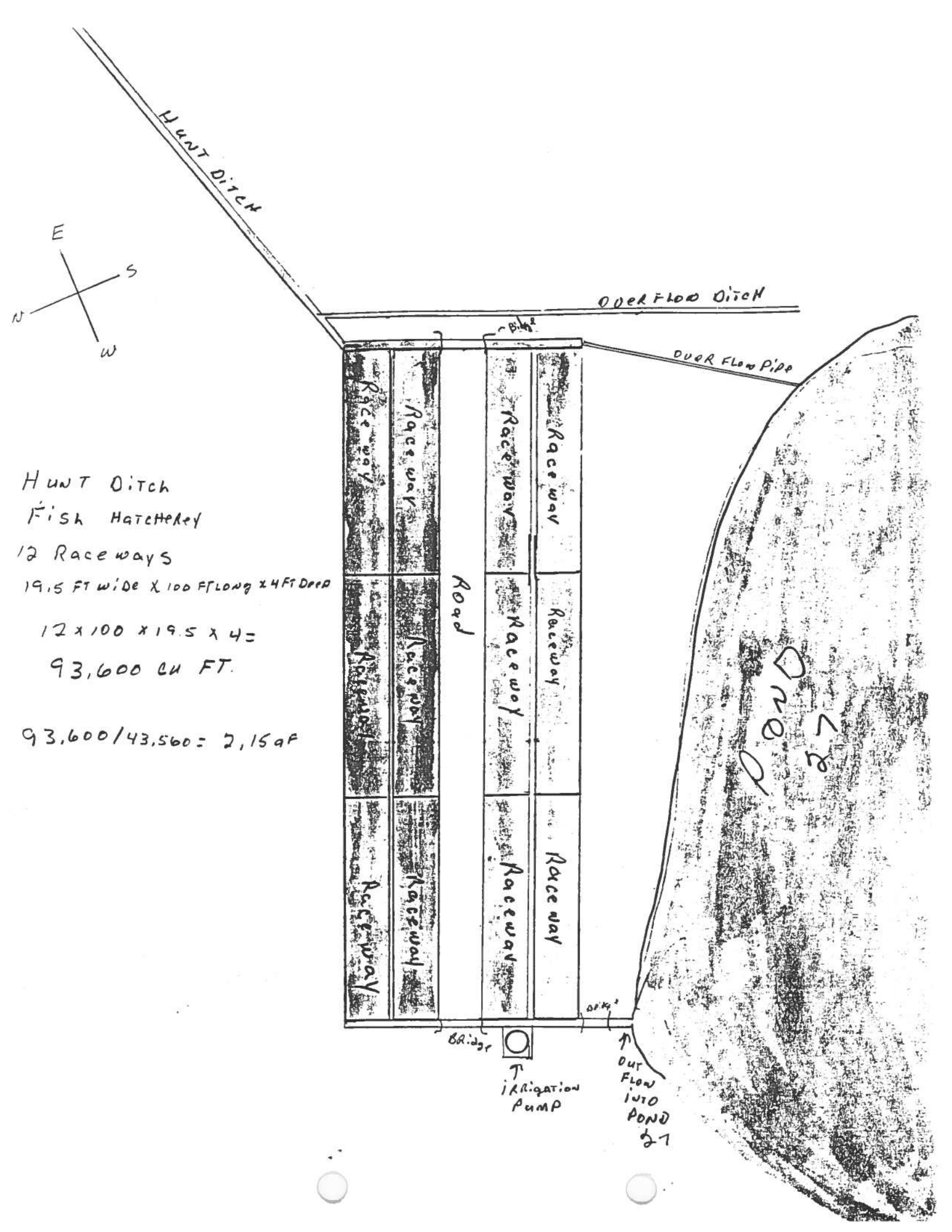
Buckeye Farms
Fish Hatcherys
Field Exams;
36-7739, 7740, 7741 & 7742



Ponds.shp
Hatchery.shp
T07s13e-sec.shp
T07s13eqq.shp

North Fish Hatchery gets water from Billingsley Creek thru Buckeye Ditch and Curren Ditch; Weatherby Springs thru Curren Ditch; Riley Creek thru Hunt Ditch. South Fish Hatchery gets water From Same Sources except no water thru Buckeye Ditch

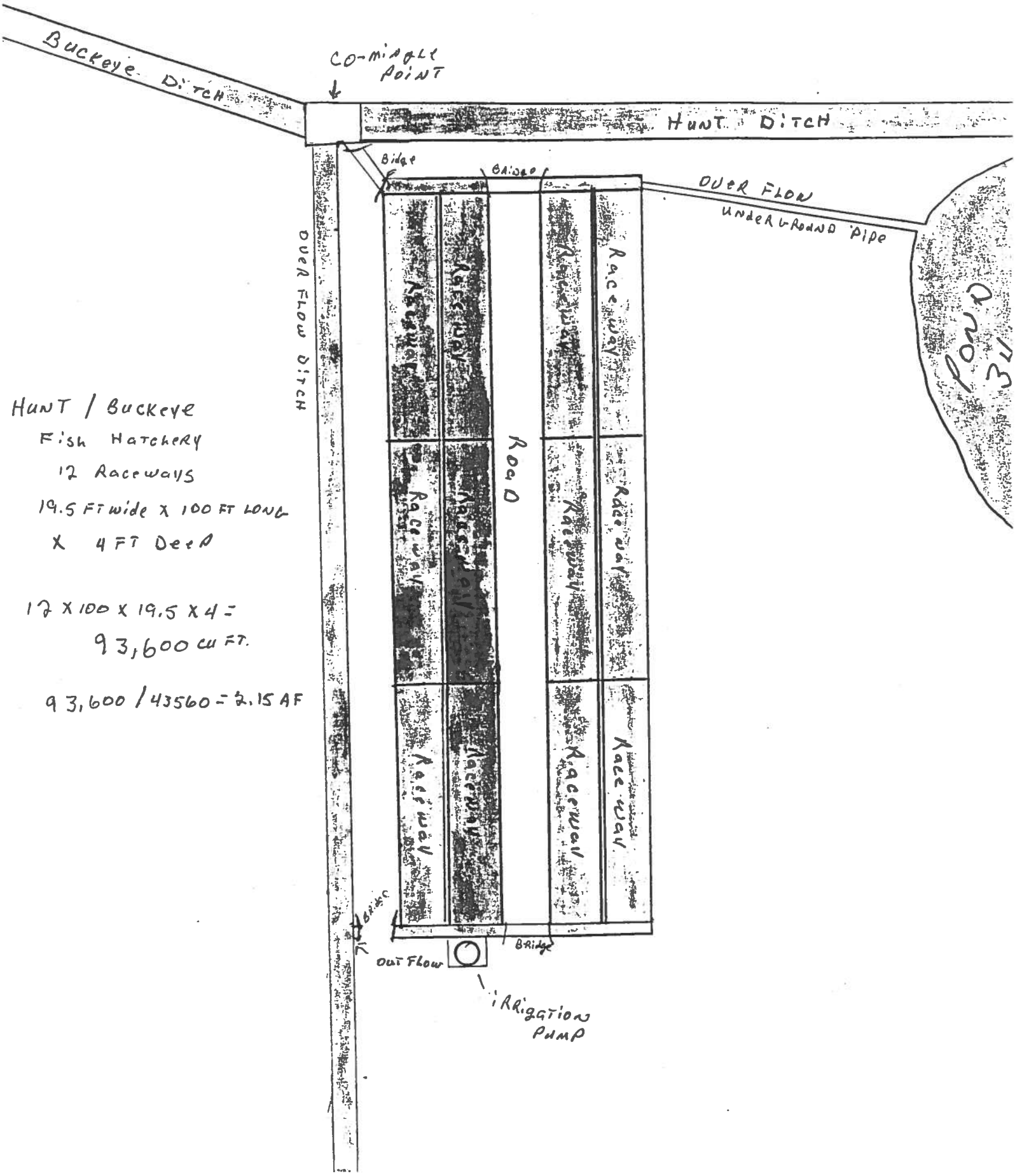
ADM - DN
1/17/01



HUNT DITCH
FISH HATCHERY
12 RACEWAYS
19.5 FT WIDE X 100 FT LONG X 4 FT DEEP

12 x 100 x 19.5 x 4 =
93,600 CU FT.

93,600 / 43,560 = 2.15 AF



Hunt / Buckeye

Fish Hatchery

12 Raceways

19.5 Ft wide x 100 Ft long

x 4 Ft Deep

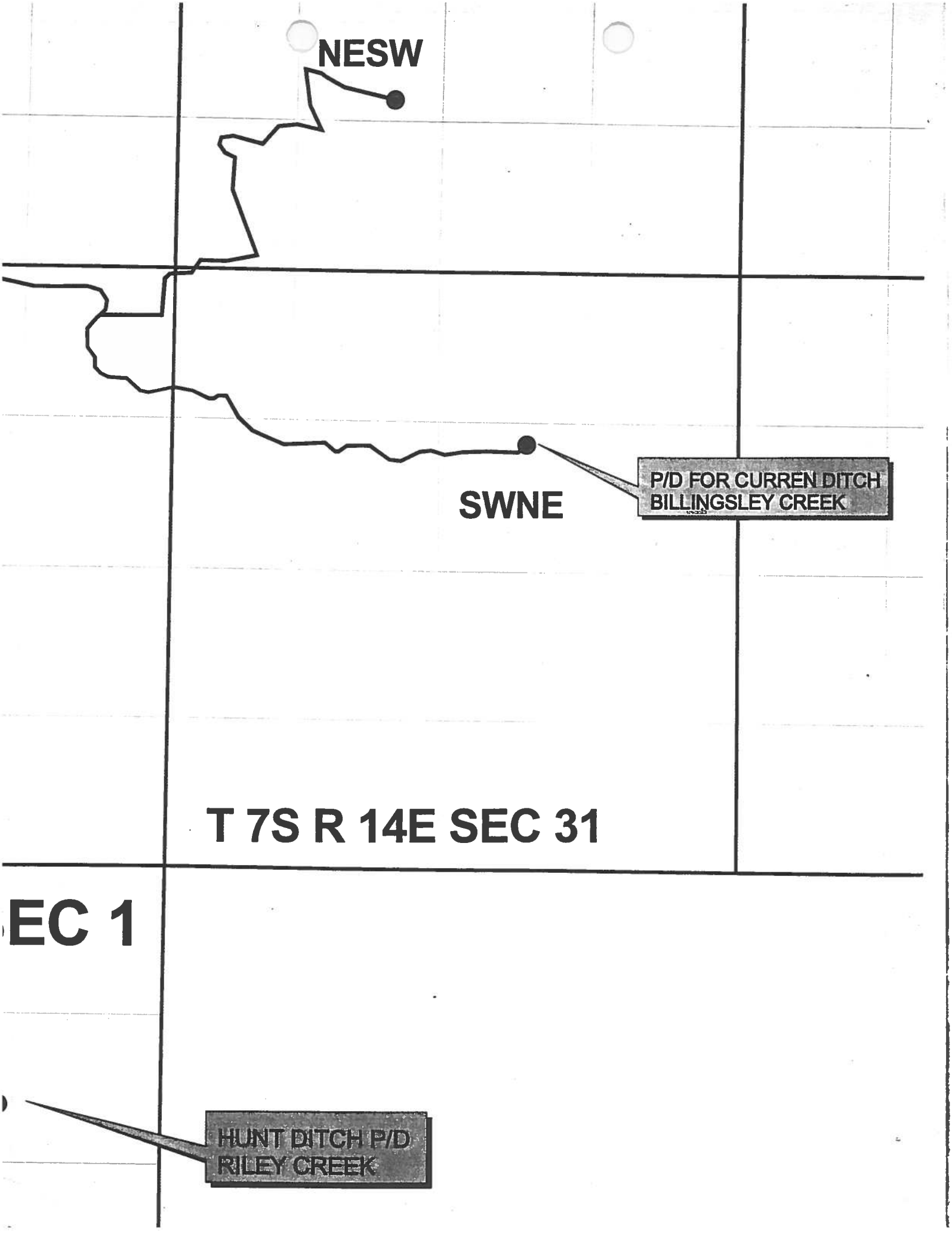
12 x 100 x 19.5 x 4 =

93,600 cu Ft.

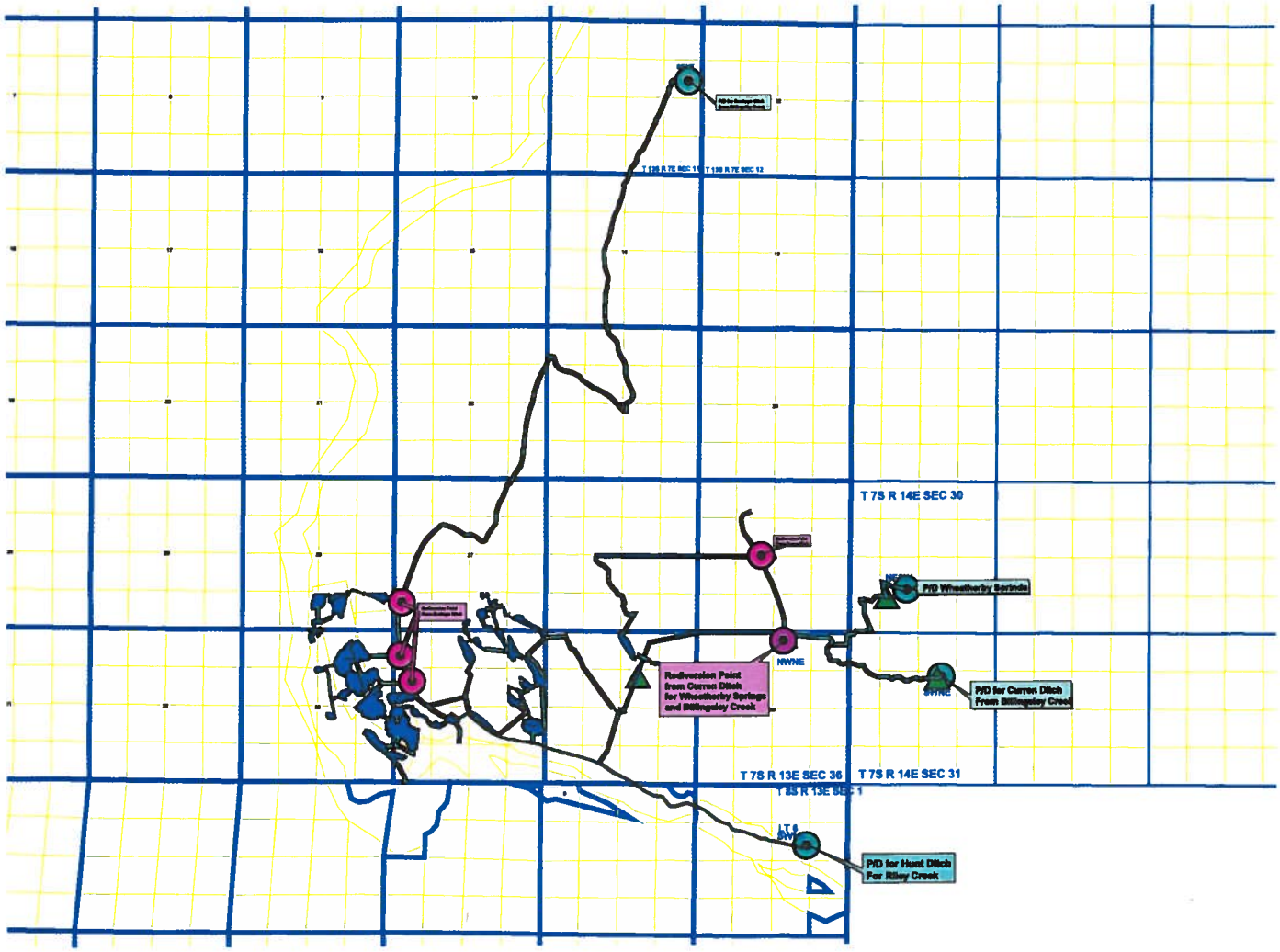
93,600 / 43560 = 2.15 AF

By Whom Surveyed	Date of Contract	Amount of Surveys M. Ch.s Lk.s	When Surveyed	

The abov


NESW
SWNE
P/D FOR CURREN DITCH
BILLINGSLEY CREEK
T 7S R 14E SEC 31
EC 1
HUNT DITCH P/D
RILEY CREEK

Buckeye Farms Distribution System



0.3 0 0.3 0.6 0.9 1.2 1.5 1.8 2.1 Miles

N

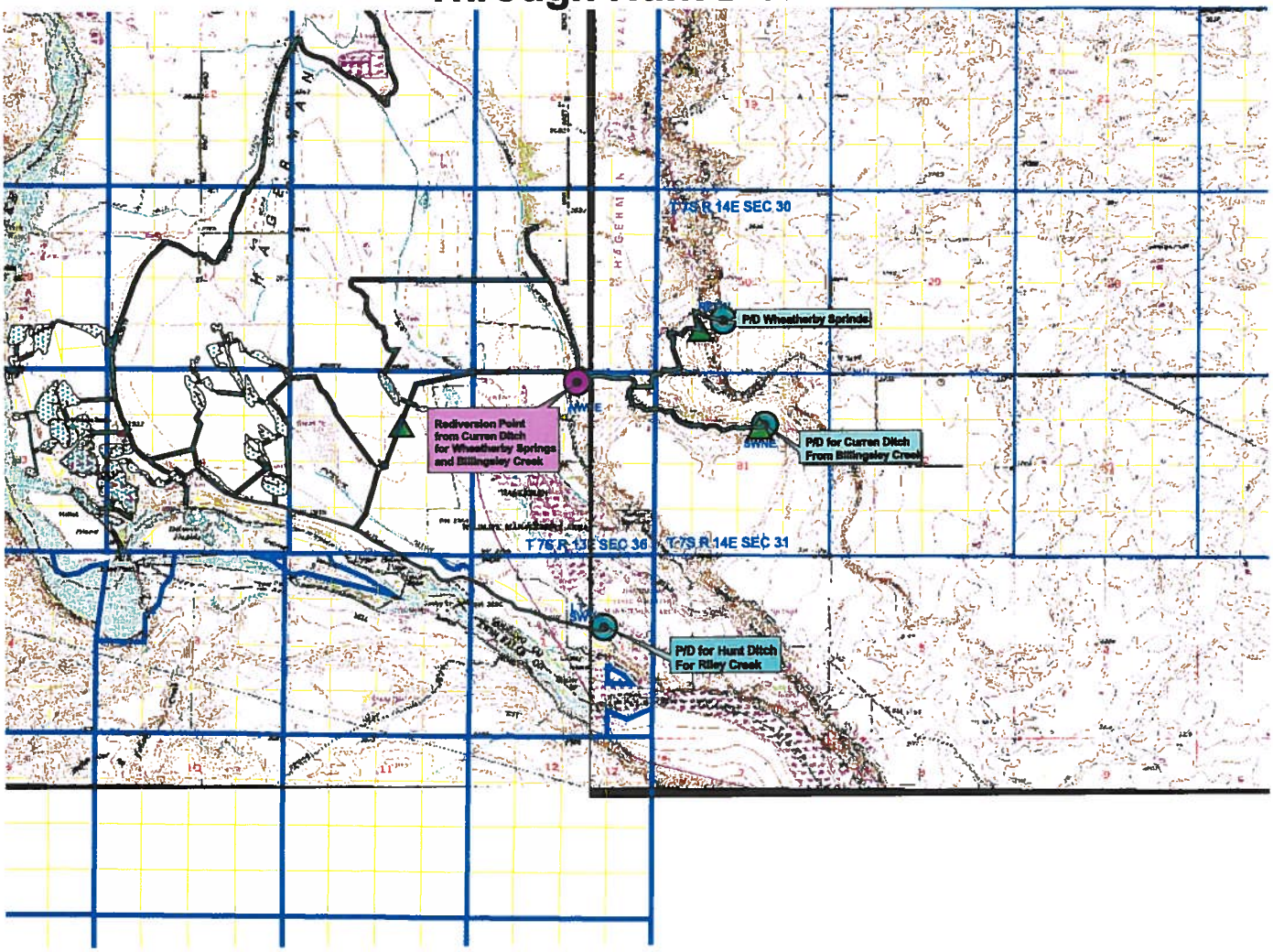
Fish Hatcherys

PONDS

Points of Diversion

Rediversion points

Buckeye Farms
Point of diversion from Billinglsey CreeK and Wheatherby Springs thruough Curren Ditch
and
Point of Diversion from Riley Creek Through Hunt Ditch

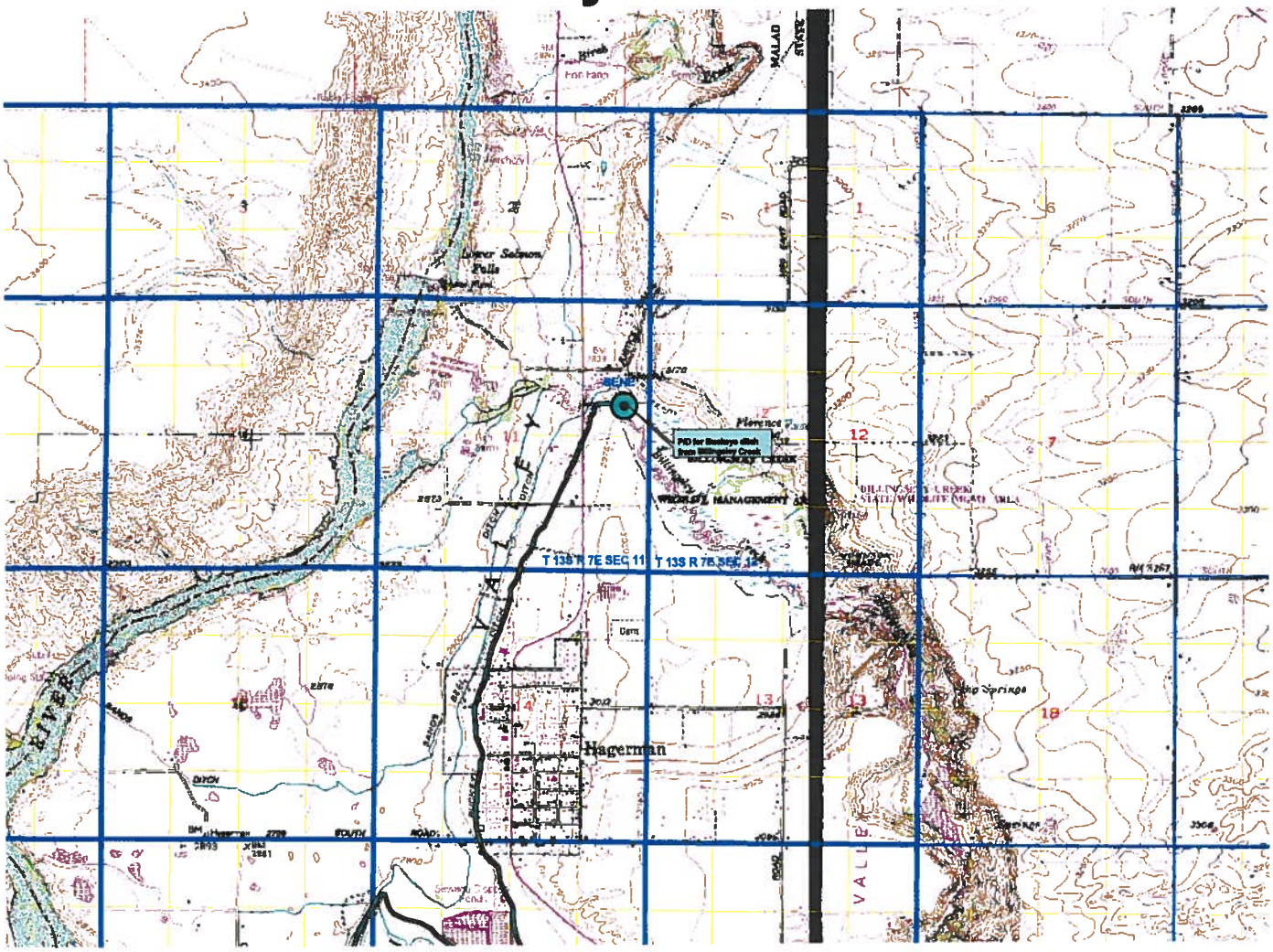


1320 0 1320 2640 3960 5280 Feet

N

1/4 1/4

Buckeye Farms
Point of diversion from Billinglsey Creek
Buckeye Ditch



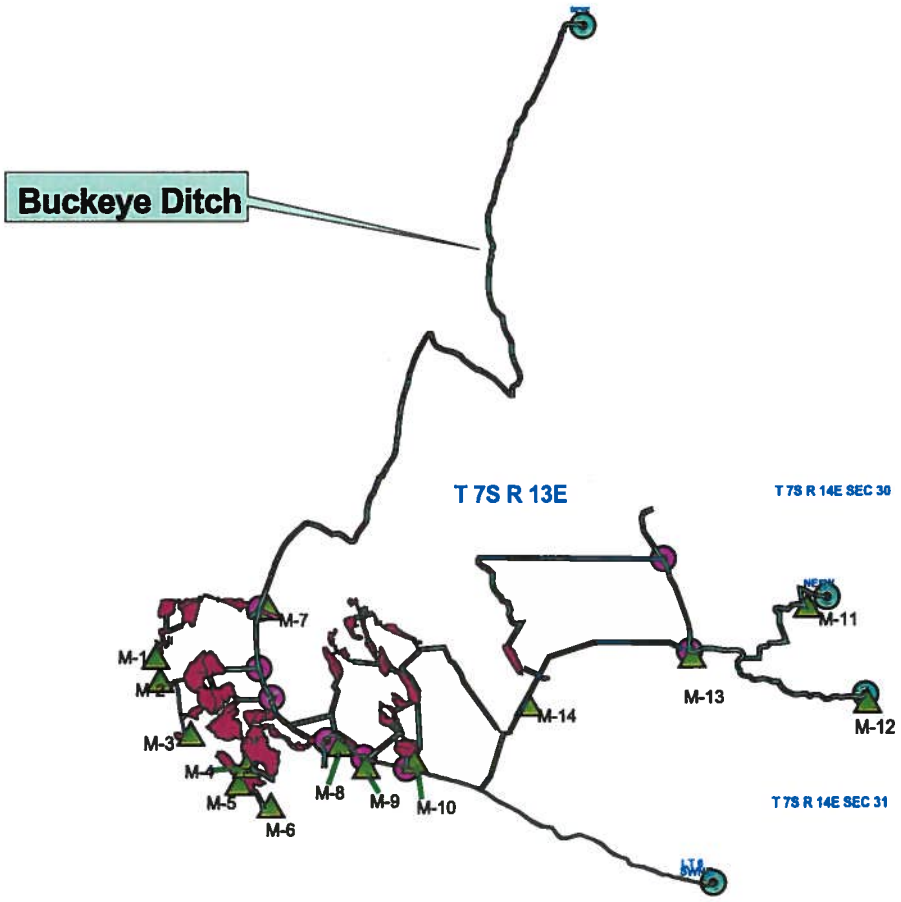
1320 0 1320 2640 3960 5280 Feet

N

1/4 1/4

POINTS MEASURED FOR BUCKEYE FARMS

Billingsley Creek water delivered through Buckeye Ditcfh



1320013206496028609202405628020528401632320120 Feet

N

▲ POINTS MEASURED

Points of Diversion

Rediversion points

copy

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 31, 1996

Re: 1996 Water Measurement Report Forms - Curren Ditch

Dear Mr. Knight:

Thank you for promptly returning the 1995 water measurement report form(s). The report which you submitted was complete and met all of the Departments's measurement and reporting guidelines. The Department appreciates your diligent effort and cooperation. I do wish to point out that I agree with your description of the Curren Ditch measuring device as a ten foot contracted rectangular weir. However, you attached a rating table for a ten foot suppressed rectangular weir and your measurements indicate that you are using the rating table for a suppressed weir instead of one for a contracted weir. Although there is not a great difference between the suppressed and contracted tables for the flows which you are reporting, I would suggest that you use the contracted rectangular rating table unless the weir has been calibrated and you know that the suppressed table is more appropriate. Attached to this letter is a copy of a rating table for a ten foot contracted rectangular weir.

Also enclosed is a new report form for calendar year 1996. This report form must be completed during 1996 and returned to the Department on or before January 15, 1997.

Please note the the 1996 reporting period is from January 1 through December 31. If your diversion is for non-irrigation uses or is a year-round diversion, then you must immediately begin recording diversions, including any diversions between January 1 and the time which you receive this report. If your diversion operates for only part of the year, please record measurements for that period.

Please refer to instructions on page 5 of the attached report for details about completing the measurement report. You may contact me directly at 327-7864 if you have questions about measurement and reporting.

Thanks again for your cooperation.

Sincerely,

Tim Luke

form sw-1
3/95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 16 1996
Department of Water Resources

WATER MEASUREMENT REPORT FORM FOR OPEN CHANNEL MEASUREMENT

1995 Reporting Form

Year end data must be submitted to Idaho Department of Water Resources, 1301 N. Orchard, Boise Idaho 83706, on or before January 15, 1996.

NOTE: Please submit a separate reporting form for each diversion from a public water source. Refer to page 4 for detailed instructions.

This report form may be used for the following diversion:

Diversion Name or Facility: CURREN DITCH
Water Source: BILLINGSLEY CREEK
Water Right(s) Owner or Contact:
(owner name(s) may be omitted if there are multiple owners on same diversion,

SECTION 1. Water Right Holder/Operator Information
Name and Address of Water Right Holder
(If there are multiple water right holders on a common ditch or conveyance system, please designate the contact person below)

Current Owner
Name Western Legends LC (Last, First, MI) Phone (208) 837-6105
Address P.O. Box 73 Fax (208) 837-6106
City Hagerman, Idaho 83332 State & Zip

Original Owner *(if sold within last year)*
Name Spring Valley Ranch, Inc. (Last, First, MI) Phone (208) 837-6105
Address P.O. Box 73 Fax (208) 837-6106
City Hagerman State & Zip Idaho 83332

Operator or Contact Person
Name Knight Frank J. (Last, First, MI)
Address P.O. Box 73
City Hagerman

contracted weir
- oper describes cont. weir
But uses ~~dated~~ suppressed weir table

SECTION 3. Measuring Device Information

A. Type & Description of Measuring Device(s): Ten foot Contracted Rectangular Weir.

B. Attach copies of all measuring device rating tables to this report.

SECTION 4. Certification

I hereby certify that the information reported is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Duane B. Lehrman (Signature) Randy Foreman (Title) 11 January 96 (Date)

Note: Each reporting form shall be accompanied by a report processing fee in the amount of twenty dollars ($20) per diversion made payable to the Idaho Department of Water Resources. (Section 42-701(6), Idaho Code). All domestic uses, as defined in Section 42-111, Idaho Code, and all stockwatering uses, as defined in Section 42-1401A(12), Idaho Code, are exempt from measurement and reporting requirements.

For Department Use Only

Received by _____ Date _____ Time _____

Fee amount submitted 20.00 Correct? yes _____ no _____

Receipted by JW Receipt No. C034501

Data Entry by _____ Date 1-17-96

Total Annual Flow (CFS) _____

Total Annual Volume (Acre-Feet) 13,991 AF

January

Discharge of suppressed sharp crested rectangular weir in cubic feet per second (cfs)

Computed from the formula: Q = 3.33 x Length x H^1.5

Head on Weir	Length of Weir, L in feet						
H, feet	4	5	6	7	8	9	10
0.30	2.19	2.74	3.28	3.83	4.38	4.92	5.47
0.32	2.41	3.01	3.62	4.22	4.82	5.43	6.03
0.34	2.64	3.30	3.96	4.62	5.28	5.94	6.60
0.36	2.88	3.60	4.32	5.03	5.75	6.47	7.19
0.38	3.12	3.90	4.68	5.46	6.24	7.02	7.80
0.40	3.37	4.21	5.05	5.90	6.74	7.58	8.42
0.42	3.63	4.53	5.44	5.34	7.25	8.16	9.06
0.44	3.89	4.86	5.83	6.80	7.78	8.75	9.72
0.46	4.16	5.19	6.23	7.27	8.31	9.35	10.39
0.48	4.43	5.54	6.64	7.75	8.86	9.97	11.07
0.50	4.71	5.89	7.06	8.24	9.42	10.60	11.77
0.52	4.99	6.24	7.49	8.74	9.99	11.24	12.49
0.54	5.29	6.61	7.93	9.25	10.57	11.89	13.21
0.56	5.58	6.98	8.37	9.77	11.16	12.56	13.95
0.58	5.88	7.35	8.83	10.30	11.77	13.24	14.71
0.60	6.19	7.74	9.29	10.83	12.38	13.93	15.48
0.62	6.50	8.13	9.75	11.38	13.01	14.63	16.26
0.64	6.82	8.52	10.23	11.93	13.64	15.34	17.05
0.66	7.14	8.93	10.71	12.50	14.28	16.07	17.86
0.68	7.47	9.34	11.20	13.07	14.94	16.81	18.67
0.70	7.80	9.75	11.70	13.65	15.60	17.55	19.50
0.72	8.14	10.17	12.21	14.24	16.28	18.31	20.34
0.74	8.48	10.60	12.72	14.84	16.96	19.08	21.20
0.76	8.83	11.03	13.24	15.44	17.65	19.86	22.06
0.78	9.18	11.47	13.76	16.06	18.35	20.65	22.94
0.80	9.53	11.91	14.30	16.68	19.06	21.44	23.83
0.82	9.89	12.36	14.84	17.31	19.78	22.25	24.73
0.84	10.25	12.82	15.38	17.95	20.51	23.07	25.64
0.86	10.62	13.28	15.93	18.59	21.25	23.90	26.56
0.88	11.00	13.74	16.49	19.24	21.99	24.74	27.49
0.90	11.37	14.22	17.06	19.90	22.75	25.59	28.43
0.92	11.75	14.69	17.63	20.57	23.51	26.45	29.39
0.94	12.14	15.17	18.21	21.24	24.28	27.31	30.35
0.96	12.53	15.66	18.79	21.93	25.06	28.19	31.32
0.98	12.92	16.15	19.38	22.61	25.84	29.08	32.31
1.00	13.32	16.65	19.98	23.31	26.64	29.97	33.30
1.02	13.72	17.15	20.58	24.01	27.44	30.87	34.30
1.04	14.13	17.66	21.19	24.72	28.25	31.79	35.32
1.06	14.54	18.17	21.80	25.44	29.07	32.71	36.34
1.08	14.95	18.69	22.42	26.16	29.90	33.64	37.37
1.10	15.37	19.21	23.05	26.89	30.73	34.58	38.42
1.12	15.79	19.74	23.68	27.63	31.58	35.52	39.47
1.14	16.21	20.27	24.32	28.37	32.43	36.48	40.53
1.16	16.64	20.80	24.96	29.12	33.28	37.44	41.60
1.18	17.07	21.34	25.61	29.88	34.15	38.42	42.68
1.20	17.51	21.89	26.26	30.64	35.02	39.40	43.77
1.22	17.95	22.44	26.92	31.41	35.90	40.39	44.87
1.24	18.39	22.99	27.59	32.19	36.78	41.38	45.98

WESTERN LEGENDS LC HAGERMAN, IDAHO 83332

1063

IDAHO DEPARTMENT OF WATER RESOURCES 1/10/96

ANNUAL SUBMISSION OF MEASURING FOR 20.00

RANCH ACCOUNT 20.00

CALCULATIONS FOR BASIN 36 SW OPEN CHANNEL DIVERSI
IDWR CALCULATIONS FOR ANNUAL/SEASONAL VOLUME
CURREN DITCH

T. Luke
3-22-96

	CFS	AF CON	DAYS	AF
MAR 1	19.5	1.9835	33	1276.38
APR 3	18.7		14	519.28
	19.5		7	270.75
	18.6		7	258.25
MAY 1	17.05		5	169.09
	17.9		2	71.01
	18.7		3	111.27
	21.2		15	630.75
	15.5		5	153.72
	14		1	27.77
JUN 1	16.3		3	96.99
	15.5		3	92.23
	17		8	269.76
	19.5		6	232.07
	21.2		2	84.10
	22.9		1	45.42
	22.1		1	43.84
	20.3		2	80.53
	18.7		8	296.73
JUL 5	19.5		2	77.36
	15.5		3	92.23
	14.7		2	58.31
	18.7		5	185.46
	16.3		4	129.32
	17		6	202.32
	22.9		1	45.42
	14		2	55.54
	17.9		1	35.50
AUG	17.9		6	213.03
	14.7		1	29.16
	17.05		2	67.64
	20.3		2	80.53
	21.2		15	630.75
	19.5		2	77.36
	22.9		1	45.42
	22.8		1	45.22
	16.3		1	32.33
SEP 2	22.1		2	87.67
	22.9		2	90.84
	23.8		5	236.04
	25.6		2	101.56
	26.6		8	422.09
	27.5		2	109.09
	28.4		1	56.33
	30.4		4	241.19
	31.3		4	248.33
OCT 4	30.4		9	542.69
	32.3		2	128.13
	31.3		15	931.25
	29.4		1	58.31
NOV 1	32.3		18	1153.21
DEC 1	32.3		18	1153.21
	31.3		12	745.00
	30.3		1	60.10
				13990.52
	33.3		12	792.61

Entire Ditch System

Diversion Name: CURREN DITCH **Water Dist Div. No.:** 410004

Discharge, Cubic Feet Per Second, Calendar Year 1995

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01				19.5	17.1	16.3	18.7	17.9	21.2	31.3	32.3	32.3
02				19.5	17.1	15.5	18.7	17.9	22.1	31.3	32.3	32.3
03				18.7	17.1	16.3	18.7	14.7	22.1	31.3	32.3	32.3
04				18.7	17.1	16.3	18.7	18.7	22.9	30.4	32.3	32.3
05				18.7	17.1	17.1	19.5	17.9	22.9	30.4	32.3	31.3
06				18.7	17.9	17.1	15.5	17.9	23.8	30.4	32.3	32.3
07				18.7	17.9	15.5	14.7	17.1	23.8	30.4	32.3	32.3
08				18.7	18.7	17.1	18.7	17.1	24.7	30.4	32.3	32.3
09				18.7	18.7	17.1	18.7	20.3	23.8	32.3	33.3	32.3
10				18.7	18.7	17.1	16.3	17.9	23.8	31.3	33.3	32.3
11				18.7	21.2	19.5	17.1	21.2	25.6	33.3	33.3	32.3
12				18.7	21.2	19.5	18.7	21.2	24.7	30.4	33.3	31.3
13				18.7	21.2	19.5	18.7	21.2	23.8	31.3	33.3	31.3
14				18.7	21.2	17.1	20.3	17.9	25.6	31.3	33.3	31.3
15				18.7	21.2	15.5	17.1	19.5	26.6	31.3	33.3	31.3
16				18.7	21.2	19.5	17.1	19.5	26.6	29.4	33.3	31.3
17				19.5	21.2	19.5	22.9	16.3	26.6	30.4	33.3	31.3
18				19.5	21.2	19.5	17.1	20.3	26.6	30.4	33.3	32.3
19				19.5	21.2	21.2	15.5	21.2	26.6	30.4	33.3	32.3
20				19.5	21.2	21.2	16.3	21.2	26.6	31.3	33.3	32.3
21				19.5	21.2	22.9	18.7	22.9	27.5	31.3	32.3	32.3
22				19.5	21.2	22.1	14.0	23.8	27.5	31.3	32.3	32.3
23				19.5	21.2	20.3	14.0	21.2	26.6	31.3	32.3	32.3
24				18.6	21.2	18.7	17.9	21.2	26.6	31.3	32.3	32.3
25			19.5	18.6	21.2	18.7	17.1	21.2	28.4	31.3	32.3	32.3
26			19.5	18.6	15.5	19.5	19.5	21.2	30.4	31.3	32.3	30.4
27			19.5	18.6	15.5	20.3	15.5	21.2	30.4	31.3	32.3	31.3
28			19.5	18.6	15.5	17.1	17.1	21.2	30.4	31.3	32.3	31.3
29			19.5	18.6	15.5	18.7	16.4	21.2	30.4	31.3	32.3	31.3
30			19.5	18.6	15.5	18.7	16.4	21.2	31.3	31.3	32.3	31.3
31			19.5		14.0		14.7	21.2		32.3		31.3
Total			136.5	567.2	586.3	553.8	539.5	614.2	779.7	964.2	981.2	987.8
Mean			19.5	18.9	18.9	18.5	17.4	19.8	26.0	31.1	32.7	31.9
Min			19.5	18.6	14.0	15.5	14.0	14.7	21.2	29.4	32.3	30.4
Max			19.5	19.5	21.2	22.9	22.9	23.8	31.3	33.3	33.3	32.3
Ac-Ft			270.7	1125.1	1163.0	1098.5	1070.1	1218.2	1546.5	1912.5	1946.2	1959.2

Calendar Year 1995 Total Cfs: 6710 **Total Ac-Ft: 13310**

Diversion Name: CURREN DITCH **Water Dist Div. No.:** 410004

Discharge, Cubic Feet Per Second, Calendar Year 1996

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	31.3	27.0	26.1	21.3	18.4	21.7	17.6	20.1	26.1	28.8	32.6	34.6
02	28.8	27.0	26.1	21.3	18.4	21.7	17.6	20.1	26.1	32.6	32.6	34.6
03	28.8	27.0	26.1	21.3	18.4	20.9	15.3	20.1	26.1	32.6	32.6	32.6
04	28.8	27.0	26.1	21.3	18.4	21.7	15.3	20.1	25.2	32.6	33.6	32.6
05	28.8	27.0	25.2	21.3	18.4	21.7	17.6	22.6	25.2	32.6	34.6	32.6
06	28.8	27.0	25.2	21.3	18.4	22.6	17.6	22.6	26.1	32.6	36.6	33.6
07	28.8	27.0	25.2	21.3	19.2	22.6	17.6	20.9	26.1	32.6	36.6	33.6
08	28.8	27.0	25.2	21.3	19.2	20.1	17.6	20.9	26.1	32.6	36.6	33.6
09	28.8	27.0	25.2	21.3	19.2	20.1	17.6	20.9	27.9	32.6	36.6	33.6
10	28.8	27.0	25.2	21.3	19.2	18.4	17.6	20.9	27.9	33.6	36.6	33.6
11	28.8	27.0	25.2	24.3	19.2	18.4	17.6	20.9	27.9	33.6	36.6	34.6
12	27.9	27.0	25.2	24.3	19.2	18.4	17.6	24.3	27.9	33.6	36.6	34.6
13	27.9	27.0	25.2	24.3	17.6	18.4	17.6	24.3	28.8	33.6	36.6	34.6
14	27.9	27.0	26.1	24.3	18.4	18.4	17.6	24.3	28.8	33.6	35.6	34.6
15	27.9	27.0	26.1	24.3	20.1	19.2	18.4	24.3	28.8	33.6	32.6	34.6
16	27.9	27.0	26.1	20.9	20.1	19.2	18.4	24.3	29.9	33.6	32.6	34.6
17	27.9	27.0	26.1	20.9	18.4	18.4	19.2	24.3	29.9	33.6	32.6	34.6
18	27.9	27.0	26.1	20.9	19.2	18.4	19.2	24.3	29.9	33.6	33.6	34.6
19	27.9	27.0	26.1	21.7	19.2	18.4	21.7	24.3	29.9	32.6	34.6	34.6
20	27.9	27.0	25.2	21.7	19.2	18.4	20.9	24.3	31.7	32.6	34.6	34.6
21	27.9	27.0	24.3	21.7	19.2	15.3	20.9	25.2	31.7	32.6	33.6	34.6
22	27.9	27.0	24.3	21.7	21.7	15.3	19.2	24.3	31.7	32.6	33.6	34.6
23	27.0	27.0	24.3	20.9	21.7	15.3	19.2	24.3	31.7	31.7	33.6	32.6
24	27.0	27.0	24.3	20.9	22.6	15.3	20.9	24.3	32.6	31.7	33.6	32.6
25	26.1	27.0	24.3	20.9	22.6	16.1	20.9	24.3	32.6	31.7	33.6	32.6
26	26.1	27.0	25.2	22.6	22.6	16.1	18.4	23.4	32.6	31.7	33.6	33.6
27	26.1	26.1	25.2	22.6	23.4	17.6	18.4	23.4	33.6	31.7	33.6	33.6
28	26.1	26.1	25.2	22.6	22.6	17.6	18.4	25.2	33.6	31.7	33.6	32.6
29	26.1	26.1	25.2	21.7	22.6	17.6	21.7	25.2	33.6	31.7	33.6	32.6
30	26.1		25.2	21.7	23.4	17.6	21.7	25.2	28.8	31.7	34.6	32.6
31	27.0		25.2		23.4		20.1	25.2		32.6		32.6
Total	863.8	780.3	785.7	657.9	623.6	560.9	579.4	718.8	878.8	1008.6	1032.0	1045.6
Mean	27.9	26.9	25.3	21.9	20.1	18.7	18.7	23.2	29.3	32.5	34.4	33.7
Min	26.1	26.1	24.3	20.9	17.6	15.3	15.3	20.1	25.2	28.8	32.6	32.6
Max	31.3	27.0	26.1	24.3	23.4	22.6	21.7	25.2	33.6	33.6	36.6	34.6
Ac-Ft	1713.4	1547.7	1558.4	1304.9	1236.9	1112.5	1149.2	1425.7	1743.1	2000.6	2047.0	2073.9

Calendar Year 1996 Total Cfs: 9535 **Total Ac-Ft: 18914**

Diversion Name: CURREN DITCH **Water Dist Div. No.:** 410004

Discharge, Cubic Feet Per Second, Calendar Year 1997

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	0.0	0.0	0.0	33.6	26.1	24.3	27.0	28.8	30.7	33.6	0.0	0.0
02	0.0	0.0	0.0	33.6	26.1	24.3	27.0	28.8	28.8	33.6	0.0	0.0
03	0.0	0.0	0.0	30.7	27.9	24.3	24.8	28.8	28.8	39.6	0.0	0.0
04	0.0	0.0	22.6	30.7	27.9	24.3	24.8	28.8	28.8	39.6	0.0	0.0
05	0.0	0.0	22.6	30.7	28.8	24.3	24.8	26.1	29.9	39.6	0.0	0.0
06	0.0	0.0	22.6	30.7	27.9	24.3	24.8	26.1	29.9	39.6	0.0	0.0
07	0.0	0.0	22.6	27.9	27.9	24.3	25.2	26.1	29.9	39.6	0.0	0.0
08	0.0	0.0	22.6	27.9	25.2	24.3	25.2	26.1	29.9	39.6	0.0	0.0
09	0.0	0.0	22.6	27.9	25.2	24.3	25.2	26.1	29.9	39.6	0.0	0.0
10	0.0	0.0	22.6	31.7	25.2	27.0	26.1	26.1	29.9	39.6	0.0	0.0
11	0.0	0.0	22.6	31.7	25.2	27.0	26.1	27.9	29.9	39.6	0.0	0.0
12	0.0	0.0	22.6	31.7	25.2	29.9	26.1	27.9	29.9	39.6	0.0	0.0
13	0.0	0.0	22.6	31.7	25.2	29.9	26.1	29.9	29.9	39.6	0.0	0.0
14	0.0	0.0	22.6	31.7	25.2	29.9	26.1	29.9	29.9	35.6	0.0	0.0
15	0.0	0.0	22.6	28.8	25.2	29.9	25.2	29.9	29.9	34.6	0.0	0.0
16	0.0	0.0	22.6	28.8	25.2	27.9	25.2	29.9	29.9	34.6	0.0	0.0
17	0.0	0.0	21.7	28.8	25.2	27.9	25.2	29.9	31.7	34.6	0.0	0.0
18	0.0	0.0	30.7	27.9	25.2	27.9	26.1	28.8	31.7	35.6	0.0	0.0
19	0.0	0.0	30.7	27.9	26.1	27.0	26.1	28.8	31.7	35.6	0.0	0.0
20	0.0	0.0	30.7	27.9	26.1	27.0	26.1	28.8	31.7	35.6	0.0	0.0
21	0.0	0.0	30.7	25.2	23.4	27.0	25.2	32.6	31.7	35.6	0.0	0.0
22	0.0	0.0	30.7	25.2	23.4	27.0	27.9	32.6	32.6	35.6	0.0	0.0
23	0.0	0.0	30.7	25.2	23.4	27.9	27.9	32.6	32.6	35.6	0.0	0.0
24	0.0	0.0	30.7	25.2	23.4	27.9	27.9	32.6	32.6	37.6	0.0	0.0
25	0.0	0.0	28.8	26.1	23.4	27.9	27.9	29.9	33.6	37.6	0.0	0.0
26	0.0	0.0	28.8	26.1	24.3	27.0	27.9	29.9	33.6	37.6	0.0	0.0
27	0.0	0.0	28.8	26.1	24.3	27.0	27.9	29.9	33.6	36.6	0.0	0.0
28	0.0	0.0	28.8	26.1	27.0	27.0	27.9	30.7	33.6	36.6	0.0	0.0
29	0.0		28.8	26.1	24.3	27.0	27.9	30.7	33.6	36.6	0.0	0.0
30	0.0		28.8	26.1	24.3	26.1	27.9	30.7	33.6	36.6	0.0	0.0
31	0.0		33.6		24.3		27.9	30.7		36.6		0.0
Total	0.0	0	736.8	859.7	787.5	801.8	817.4	906.4	933.8	1151.6	0.0	0.0
Mean	0.0	0.0	23.8	28.7	25.4	26.7	26.4	29.2	31.1	37.1	0.0	0.0
Min	0.0	0.0	0.0	25.2	23.4	24.3	24.8	26.1	28.8	33.6	0.0	0.0
Max	0.0	0.0	33.6	33.6	28.8	29.9	27.9	32.6	33.6	39.6	0.0	0.0
Ac-Ft	0.0	0.0	1461.4	1705.2	1562.0	1590.4	1621.3	1797.8	1852.2	2284.2	0.0	0.0

Calendar Year 1997 Total Cfs: 6995 Total Ac-Ft: 13875

Diversion Name: CURREN DITCH **Water Dist Div. No.:** 410004

Discharge, Cubic Feet Per Second, Calendar Year 1999

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	35.3	34.3	29.4	26.5	25.6	20.3	23.8	19.5	22.0	32.3	37.3	37.3
02	35.3	34.3	29.4	26.5	25.6	20.3	23.8	19.5	22.0	32.3	37.3	37.3
03	35.3	34.3	29.4	25.5	25.6	20.3	21.0	19.5	22.0	33.3	37.3	37.3
04	35.3	34.3	29.4	25.5	25.6	20.3	21.0	19.5	22.0	33.3	37.3	37.3
05	35.3	34.3	29.4	25.5	25.6	20.3	21.0	19.5	24.7	33.3	37.3	33.4
06	35.3	33.3	33.3	25.5	25.6	25.6	21.0	19.5	24.7	33.3	37.3	33.4
07	35.3	33.3	33.3	25.5	25.6	25.6	21.0	19.5	24.7	33.3	37.3	33.4
08	35.3	33.3	33.3	25.5	25.6	25.6	21.0	19.5	24.7	33.3	37.3	33.4
09	36.3	33.3	33.3	25.5	25.6	25.6	21.0	19.5	24.7	33.3	37.3	33.4
10	36.3	33.3	33.3	25.5	25.6	25.6	19.5	19.5	24.7	34.3	37.3	33.4
11	36.3	33.3	33.3	25.5	25.6	25.6	19.5	19.5	24.7	34.3	37.3	33.4
12	36.3	33.3	33.3	25.5	25.6	25.6	19.5	19.5	26.5	34.3	37.3	33.3
13	36.3	33.3	31.3	25.5	25.6	23.8	19.5	19.5	26.5	34.3	37.3	33.3
14	36.3	33.3	31.3	25.5	25.6	23.8	19.5	19.5	26.5	34.3	37.3	33.3
15	36.3	33.3	31.3	25.5	25.6	23.8	19.5	19.5	26.5	34.3	37.3	33.3
16	35.3	33.3	31.3	25.5	24.7	23.8	19.5	19.5	26.5	34.3	37.3	33.3
17	35.3	33.3	31.3	24.7	24.7	23.8	18.6	19.5	26.5	36.3	37.3	33.3
18	35.3	33.3	31.3	24.7	24.7	23.8	18.6	19.5	26.5	36.3	37.3	33.3
19	35.3	33.3	31.3	24.7	24.7	23.8	18.6	19.5	31.3	36.3	37.3	32.3
20	35.3	30.3	27.4	24.7	24.7	23.8	18.6	19.5	31.3	36.3	37.3	32.3
21	35.3	30.3	27.4	24.7	24.7	23.8	18.6	22.0	31.3	36.3	38.4	32.3
22	35.3	30.3	27.4	24.7	22.0	23.8	18.6	22.0	31.3	36.3	38.4	32.3
23	34.3	30.3	27.4	24.7	22.0	23.8	18.6	22.0	31.3	36.3	38.4	32.3
24	34.3	30.3	27.4	24.7	22.0	23.8	19.5	22.0	31.3	37.3	38.4	32.3
25	34.3	30.3	27.4	24.7	22.0	23.8	19.5	22.0	31.3	37.3	38.4	32.3
26	34.3	30.3	27.4	24.7	22.0	23.8	19.5	22.0	32.3	37.3	38.4	32.3
27	34.3	29.4	26.5	24.7	22.0	23.8	19.5	22.0	32.3	37.3	38.4	32.3
28	34.3	29.4	26.5	24.7	22.0	23.8	19.5	22.0	32.3	37.3	37.3	32.3
29	34.3		26.5	24.7	20.3	23.8	19.5	22.0	32.3	37.3	37.3	32.3
30	34.3		26.5	24.7	20.3	23.8	19.5	22.0	32.3	37.3	37.3	32.3
31	34.3		26.5		20.3		19.5	22.0		37.3		32.3
Total	1092.3	908.6	923.5	755.8	747.1	709.1	617.3	632.0	827.0	1090.3	1126.7	1036.0
Mean	35.2	32.5	29.8	25.2	24.1	23.6	19.9	20.4	27.6	35.2	37.6	33.4
Min	34.3	29.4	26.5	24.7	20.3	20.3	18.6	19.5	22.0	32.3	37.3	32.3
Max	36.3	34.3	33.3	26.5	25.6	25.6	23.8	22.0	32.3	37.3	38.4	37.3
Ac-Ft	2166.6	1802.2	1831.8	1499.1	1481.9	1406.5	1224.4	1253.6	1640.4	2162.6	2234.8	2054.9

Calendar Year 1999 Total Cfs: 10466 **Total Ac-Ft: 20759**

Diversion Name: CURREN DITCH **Water Dist Div. No.:** 410004

Discharge, Cubic Feet Per Second, Calendar Year 2000

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	32.3	29.4	28.4	25.6	19.5	22.9	17.8	22.0	23.8	31.3	34.3	29.4
02	31.3	29.4	28.4	24.8	19.5	22.9	16.2	22.0	23.8	31.3	34.3	29.4
03	31.3	29.4	28.4	24.8	19.5	22.9	16.2	22.0	25.7	31.3	34.3	29.4
04	31.3	29.4	28.4	24.8	19.5	17.5	16.2	22.0	25.7	31.3	34.3	29.4
05	31.3	29.4	29.4	24.8	19.5	17.5	16.2	22.0	25.7	31.3	35.4	29.4
06	31.3	29.4	29.4	24.8	19.5	17.5	16.2	18.6	25.7	31.3	35.4	29.4
07	31.3	29.4	29.4	24.8	17.8	17.5	16.2	18.6	25.7	31.3	35.4	29.4
08	31.3	29.4	29.4	24.8	17.8	17.5	16.2	18.6	25.7	34.3	35.4	29.4
09	32.3	29.4	29.4	23.8	17.8	17.5	14.7	18.6	25.7	34.3	35.4	29.4
10	32.3	29.4	29.4	23.8	17.8	17.5	14.7	18.6	27.5	34.3	35.4	30.0
11	32.3	29.4	29.4	23.8	17.8	17.8	14.7	18.6	27.5	34.3	35.4	30.0
12	32.3	29.4	28.4	23.8	17.8	17.8	14.7	18.6	27.5	34.3	34.3	30.0
13	32.3	28.4	28.4	23.8	17.8	17.8	14.7	18.6	27.5	34.3	34.3	30.0
14	32.3	28.4	28.4	23.8	18.6	17.8	14.7	18.6	27.5	34.3	34.3	30.0
15	32.3	28.4	28.4	23.8	18.6	17.8	14.7	18.6	27.5	35.3	34.3	30.0
16	31.3	28.4	28.4	20.3	18.6	17.8	15.5	18.6	27.5	35.3	34.3	30.0
17	31.3	28.4	28.4	20.3	18.6	17.8	15.5	18.6	26.5	35.3	34.3	29.3
18	31.3	28.4	28.4	20.3	18.6	19.5	15.5	18.6	26.5	35.3	34.3	29.3
19	31.3	28.4	29.4	20.3	18.6	19.5	15.5	18.6	26.5	35.3	34.3	29.3
20	31.3	29.4	29.4	20.3	18.6	19.5	15.5	21.2	26.5	35.3	34.3	29.3
21	31.3	29.4	29.4	20.3	22.0	19.5	15.5	21.2	26.5	35.3	34.3	29.3
22	31.3	29.4	29.4	20.3	22.0	19.5	15.5	21.2	26.5	33.3	34.3	29.3
23	31.3	29.4	29.4	19.5	22.0	19.5	15.5	21.2	26.5	33.3	34.3	29.3
24	31.3	29.4	29.4	19.5	22.0	19.5	15.5	21.2	28.4	33.3	34.3	27.4
25	31.3	29.4	29.4	19.5	22.0	17.8	15.5	21.2	28.4	33.3	34.3	27.4
26	31.3	29.4	25.6	19.5	22.0	17.8	15.5	21.2	28.4	33.3	29.4	27.4
27	31.3	28.4	25.6	19.5	22.0	17.8	15.5	23.8	28.4	33.3	29.4	27.4
28	31.3	28.4	25.6	19.5	22.9	17.8	15.5	23.8	28.4	33.3	29.4	27.4
29	31.3	28.4	25.6	19.5	22.9	17.8	15.5	23.8	28.4	34.3	29.4	27.4
30	29.4		25.6	19.5	22.9	17.8	22.0	23.8	28.4	34.3	29.4	27.4
31	29.4		25.6		22.9		22.0	23.8		34.3		27.5
Total	974.5	842.6	877.6	663.9	617.4	559.1	495.1	637.8	804.3	1042.3	1012.2	899.0
Mean	31.4	29.1	28.3	22.1	19.9	18.6	16.0	20.6	26.8	33.6	33.7	29.0
Min	29.4	28.4	25.6	19.5	17.8	17.5	14.7	18.6	23.8	31.3	29.4	27.4
Max	32.3	29.4	29.4	25.6	22.9	22.9	22.0	23.8	28.4	35.3	35.4	30.0
Ac-Ft	1932.9	1671.3	1740.7	1316.8	1224.6	1109.0	982.0	1265.1	1595.3	2067.4	2007.7	1783.2

Calendar Year 2000 Total Cfs: 9426 **Total Ac-Ft: 18696**

Diversion Name: CURREN DITCH **Water Dist Div. No.:** 410004

Discharge, Cubic Feet Per Second, Calendar Year 2001

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	27.5	28.4	27.4	22.2	16.0	13.2	13.2	13.9	17.0	24.7	26.0	28.0
02	27.5	28.4	27.4	22.2	16.0	13.2	13.2	13.9	17.0	24.7	26.0	27.5
03	27.5	28.4	27.4	22.2	16.0	12.5	0.0	13.9	17.0	24.7	27.5	27.5
04	27.5	28.4	24.7	22.2	16.0	12.5	0.0	13.9	17.0	24.7	27.5	27.5
05	27.5	28.4	24.7	22.2	16.0	12.5	0.0	13.9	17.0	24.7	27.5	27.5
06	27.5	28.4	24.7	22.2	15.0	12.5	0.0	13.9	17.0	24.7	27.5	27.5
07	29.5	28.4	24.7	22.2	15.0	12.5	0.0	13.9	17.0	24.7	27.5	27.5
08	29.5	28.4	24.7	21.2	15.0	12.5	14.0	13.9	17.0	24.7	27.5	27.5
09	29.5	28.4	24.7	21.2	15.0	12.5	14.0	13.9	17.8	24.7	27.5	26.5
10	29.5	28.4	24.7	21.2	15.0	12.5	14.0	13.9	17.8	24.7	27.5	26.5
11	29.5	27.4	24.7	21.2	15.0	12.5	14.0	13.9	17.8	24.7	28.4	26.5
12	29.5	27.4	24.7	21.2	15.0	12.5	14.0	14.5	17.8	24.7	28.4	26.5
13	29.5	27.4	24.7	21.2	15.0	12.5	14.0	14.5	17.8	24.7	28.4	26.5
14	29.5	27.4	24.7	21.2	15.0	12.5	14.0	14.5	17.8	26.0	28.4	26.5
15	29.5	27.4	24.7	18.3	15.0	12.5	14.0	14.5	17.8	26.0	28.4	26.5
16	29.5	27.4	24.7	18.3	15.0	12.5	14.0	14.5	22.0	26.0	28.4	26.5
17	29.5	27.4	24.7	18.3	15.0	12.5	14.0	14.5	22.0	26.0	28.4	26.5
18	29.5	27.4	22.9	18.3	15.0	12.5	14.0	14.5	22.0	26.0	28.0	26.5
19	29.5	27.4	22.9	18.3	15.0	12.5	14.0	14.5	22.0	26.0	28.0	26.5
20	29.5	27.4	22.9	18.3	14.7	12.5	14.0	14.5	22.0	26.0	28.0	26.5
21	31.2	27.4	22.9	18.3	14.7	12.5	14.0	14.5	22.0	26.0	28.0	26.5
22	31.2	27.4	22.9	17.5	14.7	12.5	13.9	14.5	22.0	26.0	28.0	26.5
23	31.2	27.4	22.9	17.5	14.7	13.2	13.9	14.5	22.0	26.0	28.0	25.6
24	31.2	27.4	22.9	17.5	14.7	13.2	13.9	14.5	24.7	26.0	28.0	25.6
25	31.2	27.4	22.9	17.5	14.7	13.2	13.9	14.5	24.7	26.0	28.0	25.6
26	31.2	27.4	22.9	17.5	14.7	13.2	13.9	17.0	24.7	26.0	28.0	25.6
27	31.2	27.4	22.9	17.5	13.2	13.2	13.9	17.0	24.7	26.0	28.0	25.6
28	28.4	27.4	22.9	17.5	13.2	13.2	13.9	17.0	24.7	26.0	28.0	25.6
29	28.4		22.9	16.0	13.2	13.2	13.9	17.0	24.7	26.0	28.0	25.6
30	28.4		22.9	16.0	13.2	13.2	13.9	17.0	24.7	26.0	28.0	23.8
31	28.4		22.9		13.2		13.9	17.0		26.0		23.8
Total	910.0	777.2	748.6	586.4	458.9	382.1	360.7	457.9	609.5	789.1	834.8	818.3
Mean	29.4	27.8	24.1	19.5	14.8	12.7	11.6	14.8	20.3	25.5	27.8	26.4
Min	27.5	27.4	22.9	16.0	13.2	12.5	0.0	13.9	17.0	24.7	26.0	23.8
Max	31.2	28.4	27.4	22.2	16.0	13.2	14.0	17.0	24.7	26.0	28.4	28.0
Ac-Ft	1805.0	1541.6	1484.8	1163.1	910.2	757.9	715.5	908.2	1208.9	1565.2	1655.8	1623.1

Calendar Year 2001 Total Cfs: 7734 **Total Ac-Ft: 15339**

MEASUREMENTS INVOLVED WITH BUCKEYE FARMS FIELD EXAMS

The measurements for the inflows from all four sources of the Buckeye Farm's water sources are a complex set of processes. Only the Buckeye Ditch provided a simple measurement from a single source. Therefore, I have created a map attached to this memo that shows all of the points that were measured and have marked the measurement positions as M= #. I will explain how the measurements were used to attain the diversion rate for each source for the pond use and the fish hatchery diversions will be calculated on each hatchery separately.

WHEATHERBY SPRINGS AND BILLINGSLY CREEK WATER THROUGH THE CURREN DITCH:

Weatherby Springs diverts into a fish hatchery and then into the Wheatherby ditch which empties into the Curren Ditch. The Curren Ditch water is then diverted with a portion going to Buckeye Farms and the remainder going to other users down the creek. Therefore, in order to determine the amount of Wheatherby Springs and Billingsley Creek water that was used by Buckeye Farms, I measured Wheatherby Springs at the fish hatchery (M=13) and the amount of Billingsley Creek water diverted into the Curren Ditch (M=12). This allowed me the ability to determine the percentage of each source flowing in the Curren Ditch. I then measured the amount of water that was being sent to Buckeye Farms through the diversion on the Curren Ditch (M=13) and in their pipeline using a polysonic unit (M=14). I was more comfortable with the Polysonic measurement due to the condition of the weir at the Current Ditch Split (M=13). Therefore, I used the pipeline measurement (M=14) to calculate the amount of water being delivered to Buckeye Farms from the Curren Ditch. The amount of Curren Ditch water being sent to Buckeye Farms would have a proportionate share of Weatherby Springs water and Billingsley Creek water.

Wheatherby Springs measurement M=11	=	3.75 cfs
Billingsley Creek diversion measurement M=12	=	27.35 cfs
TOTAL water in Curren Ditch	=	31.10 cfs

3.75 / 31.10 = 12 % of Curren Ditch water comes from Wheatherby Springs
27.35 / 31.10 = 88 % of Curren Ditch water comes from Billingsley Creek

Amount of water sent to Buckeye Farms from Curren Ditch = 23.78 cfs

23.78 cfs X .12 = 2.85 cfs of the water from the Curren Ditch comes from Wheatherby Springs.

23.78 cfs X .88 = 20.78 cfs of the water from the Curren Ditch comes from Billingsley Creek.

Wheatherby Springs Diversion Rate = 2.85 cfs

Billingsley Creek Diversion rater at the Curren Ditch = 20.78 cfs

RILEY CREEK DIVERSION AT HUNT DITCH:

The only place a measurement could be made on the Hunt Ditch was at the Hunt Ditch Fish Hatchery. The measurement at this point was 66.60 cfs. However, water from the Curren Ditch enters the Hunt Ditch before it reaches the hatchery in two places and some of the Riley Creek water is diverted into the pond number 25. The percentages of the water in the Curren Ditch from Wheatherby Springs and Billingsley Creek have already been determined. However, I needed to separate the Riley Ditch water and the Curren Ditch water. Fortunately the discharge points from the ponds both had measurement points as did the diversion point sending water from the Hunt Ditch into pond 25. The first discharge point (M=10) into the Hunt Ditch was solely Curren Ditch water so it did not need to be adjusted. There was very little Riley Creek water lost when it flowed into Pond 25 where it co-mingled with the remainder of the Curren Ditch water. Therefore, I could subtract the amount of Riley Creek water being diverted into the pond (M=9) from the amount of water being discharged back into the Hunt Ditch (M=8) to determine the amount of Curren water that was being discharged into the Hunt Ditch at this point.

Riley Creek and Curren Ditch water flowing back into Hunt Ditch (M=8)	=	7.35 cfs
Riley Creek water being diverted into pond 25 (M=9)	=	0.80 cfs
Curren Ditch water being diverted into Hunt Ditch at pond 25	=	6.55 cfs

Curren Ditch water being diverted into Hunt Ditch at pond 25	=	6.55 cfs
First discharge of Curren Ditch water into hunt ditch (M=10)	=	11.37 cfs
TOTAL amount of Curren Ditch water diverted into Hunt Ditch	=	17.92 cfs

Hunt Fish Hatchery measurement	=	66.60 cfs
Curren Ditch water in Hunt Ditch	=	17.92 cfs
TOTAL of Riley Creek water being diverted in Hunt Fish Hatchery	=	48.68 cfs

48.68 cfs of water being diverted from Riley Creek to ponds and fish hatchery.

BUCKEYE DITCH MEASUREMENT:

This is the only diversion that could be adequately measured (M=7). I measured 18.62 cfs for this ditch. A portion of this water was being diverted into the ponds and 12.92 cfs was being sent to the Buckeye/Hunt fish hatchery. They are at the end of this ditch and are basically subject to whims of the upstream users. They try to maintain a flow of 12.0 cfs to the fish hatchery if possible.

Buckeye Ditch measurement = 18.62 cfs.

FISH PROPOGATION FLOW RATE CALCULATIONS:

Jim Stanton performed a measurement on the Buckeye Ditch diversion from Billingsley Creek of 12.0 cfs. I confirmed this in my field exam of the place of use that 12.92 were being diverted. The permit only allows 12.0 cfs, but they are at the end of the ditch and have to manage what water comes down the ditch. The Buckeye Ditch water only delivers water to Buckeye/Hunt fish hatchery, so this is all that should be allowed from this diversion. The remaining water has been calculated above with 48.68 cfs of Riley Creek water and 17.92 cfs of Curren Ditch water. All the remains to do is calculate the amount of Wheatherby Springs water and Billingsley Creek water that is in the Curren Ditch water using the percentages calculated above of 12% and 88%.

17.92 cfs X .12 = 2.15 cfs of Wheatherby Springs water used For Fish Propagation

17.92 cfs X .88 = 15.77 cfs of Billingsley Creek water used for Fish Propagation

THEREFORE, THESE ARE DIVERSION RATES FOR FISH PROPAGATION PER SOURCE:

Wheatherby Springs through Curren Ditch	=	2.15 cfs
Billingsley Creek through Curren Ditch	=	15.77 cfs
Riley Creek through Hunt Ditch	=	48.68 cfs
Billingsley Creek through Buckeye Ditch	=	12.00 cfs
TOTAL WATER FOR FISH PROPOGATION	=	78.6 CFS

CALCULATIONS FOR CONSUMPTIVE USE:

I was asked to calculate the total consumptive use for this system. In order to do this I measured the total amount of water flowing into the Snake River (M=1 through M=6). I then subtracted the amount of water leaving the property from the amount of water being diverted onto the property. This would give a total consumptive use from all of the sources. The amount of water consumed by each source was calculated by multiplying each diversion by the percent of water that was consumed through the farm.

Weatherby Springs diversion through Curren Ditch	=	2.85 cfs
Billingsley Creek through Curren Ditch	=	20.78 cfs
Riley Creek through Hunt Ditch	=	48.68 cfs
Billingsley Creek Through Buckeye Ditch	=	18.69 cfs
TOTAL DIVERSION INTO BUCKEYE FARMS	=	91.00 cfs

M=1 Discharge into the river	=	3.65 cfs
M=2 Discharge into the river	=	7.02 cfs
M=3 Discharge into the river	=	15.74 cfs
M=4 Discharge into the river	=	16.85 cfs
M=5 Discharge into the river	=	17.95 cfs
M=6 Discharge into the river	=	5.35 cfs
TOTAL DISCHARGE OUT OF BUCKEYE FARMS	=	66.56 CFS

PECENTAGE OF WATER CONSUMED ON THE FARM:

91.00 CFS – 66.56 CFS = 24.44 CFS / 91.00 x 100 OR 26.9 % DIVERTED CONSUMPTIVELY USED.

Wheatherby Springs diversion through Curren Ditch	= 2.85 cfs X .269 = 0.77 cfs Consumed
Billingsley Creek through Curren Ditch	= 20.78 cfs X .269 = 5.59 cfs Consumed
Riley Creek through Hunt Ditch	= 48.68 cfs X .269 = 13.09 cfs Consumed
Billingsley Creek Through Buckeye Ditch	= 18.69 cfs X .269 = 5.03 cfs Consumed

TOTAL CFS FOR EACH MEASUREMENT

MEASUREMENT # 1 ---------- 3.65 CFS
MEASUREMENT # 2 ---------- 7.02 CFS
MEASUREMENT # 3 ---------- 15.74 CFS
MEASUREMENT # 4 ---------- 16.85 CFS
MEASUREMENT # 5 ---------- 17.95 CFS
MEASUREMENT # 6 ---------- 5.35 CFS
MEASUREMENT # 7 ---------- 18.62 CFS (Please Note: this is for the total amount of water in Buckeye ditch.)
Measurement # 7 ---------- 12.92 CFS (please note this is for the water used for fish propogation.)
MEASUREMENT # 8 ---------- 7.35 CFS
MEASUREMENT # 9 ---------- .80 CFS
MEASUREMENT # 10 ---------- 11.37 CFS
MEASUREMENT # 11 ---------- 3.75 CFS
MEASUREMENT # 12 ---------- 27.35 CFS
MEASUREMENT # 13 ---------- 20.28 CFS
MEASUREMENT # 14 ---------- 23.78 CFS
HUNT FISH HATCHERY MEASUREMENT ---------- 66.60 CFS
HUNT/BUCKEYE FISH HATCHERY MEASUREMENT --------- 67.99 CFS

PLEASE NOTE: See attached sheets for measuremnt calculations.

Distance	Depth	Velocity					
4	0	0	0.5	0.15	0.955	0.075	0.071625
4.5	0.3	1.91	0.5	0.35	2.48	0.175	0.434
5	0.4	3.05	0.5	0.35	2.61	0.175	0.45675
5.5	0.3	2.17	0.5	0.4	1.98	0.2	0.396
6	0.5	1.79	0.5	0.5	2.115	0.25	0.52875
6.5	0.5	2.44	0.5	0.4	2.26	0.2	0.452
7	0.3	2.08	0.5	0.35	2.06	0.175	0.3605
7.5	0.4	2.04	0.5	0.45	1.125	0.225	0.253125
8	0.5	0.21	0.5	0.45	2.185	0.225	0.491625
8.5	0.4	4.16	0.5	0.2	2.08	0.1	0.208
9	0	0	-9	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0

Total CFS
3.652375

BUCKEYE FARMS -- MEASUREMENT #1

Distance	Depth	Velocity					
1	0	0	1	0.25	0.025	0.25	0.00625
2	0.5	0.05	1	0.55	0.445	0.55	0.24475
3	0.6	0.84	1	0.6	2.09	0.6	1.254
4	0.6	3.34	1	0.6	3.42	0.6	2.052
5	0.6	3.5	1	0.6	3.195	0.6	1.917
6	0.6	2.89	1	0.55	2.385	0.55	1.31175
7	0.5	1.88	1	0.25	0.94	0.25	0.235
8	0	0	-8	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0

Total CFS
7.02075

BUCKEYE FARMS -- MEASUREMENT #2

Distance	Depth	Velocity					
1	0	0	1	0.85	0.46	0.85	0.391
2	1.7	0.92	1	1.7	1.94	1.7	3.298
3	1.7	2.96	1	1.7	3.215	1.7	5.4655
4	1.7	3.47	1	1.7	2.87	1.7	4.879
5	1.7	2.27	1	1.5	1.135	1.5	1.7025
6	1.3	0	1	0.65	0	0.65	0
7	0	0	-7	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0

Total CFS
15.736

BUCKEYE FARMS -- MEASUREMENT #3

WEIR MEASUREMENT

MEASUREMENT # 4:

MEASUREMENT # 4 WAS TAKEN ON A WEIR PRIOR TO POND 37. POND 37 DISCHARGES DIRECTLY INTO THE RIVER AND IT WAS NOT POSSIBLE TO ATTAIN A MEASUREMENT AT THAT POINT.

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

Q = (3.33) (LENGTH) (HEAD^1.5)

(This is computed using the Francis formula, neglecting the velocity of approach. Since the measurement was made at a fairly level point velocity of approach was not a factor.)

FLOWS IN CUBIC FEET PER SECOND (CFS)

LENGTH -- 3.85 FT. WEIR
HEAD -- 1.20 FT. HEAD

Q = (3.33) (L) (H^1.5)

Q = (3.33) (3.85) (1.20^1.5) OR Q = 16.85 CFS

WEIR MEASUREMENT

MEASUREMENT # 5:

MEASUREMENT # 5 WAS TAKEN ON A WEIR BETWEEN PONDS 36 AND 37. AT THIS POINT POND 36 DISCHARGES INTO POND 37 AND POND 37 DISCHARGES DIRECTLY INTO THE RIVER AND IT WAS NOT POSSIBLE TO ATTAIN A MEASUREMENT AT THAT POINT.

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

Q = (3.33) (LENGTH) (HEAD^1.5)

(This is computed using the Francis formula, neglecting the velocity of approach. Since the measurement was made at the discharge point of a pond the velocity of approach was not a factor.)

FLOWS IN CUBIC FEET PER SECOND (CFS)

LENGTH -- 4.10 FT. WEIR
HEAD -- 1.20 FT. HEAD
Q = (3.33) (L) (H^1.5)
Q = (3.33) (4.10) (1.20^1.5) OR Q = 17.95 CFS

MEASUREMENT # 6:

MEASUREMENT # 6 WAS TAKEN ON A WEIR AT THE POINT WHERE POND 36 DISCHARGES INTO THE SNAKE RIVER.

WEIR FORMULA USED:

SAME AS ON MEASUREMENT # 5

FLOWS IN CUBIC FEET PER SECOND (CFS)

LENGTH -- 4.05 FT. WEIR
HEAD -- .54 FT. HEAD

Q = (3.33) (L) (H^1.5)

Q = (3.33) (4.05) (.54^1.5) OR Q = 5.35 CFS

WEIR MEASUREMENT

BUCKEYE DITCH MEASUREMENT #7:

THERE WILL BE TWO MEASUREMENTS FROM THIS POINT OF DIVERSION. THE FIRST MEASUREMENT WILL BE FOR THE WATER USED IN THE HUNT/BUCKEYE FISH HATCHERY AND THE OTHER WILL BE FOR THE TOTAL AMOUNT OF WATER IN THE BUCKEYE DITCH.

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

Q = (3.33) (LENGTH) (HEAD^1.5)

(This is computed using the Francis formula, neglecting the velocity of approach. Since the measurement was made at a fairly level point velocity of approach was not a factor.)

FLOWS IN CUBIC FEET PER SECOND (CFS)

TOTAL AMOUNT OF WATER IN BUCKEYE DITCH:

LENGTH -- 4.0 FT. WEIR
HEAD -- 1.25 FT. HEAD
Q = (3.33) (L) (H^1.5)
Q = (3.33) (4.0) (1.25^1.5) OR Q = 18.62 CFS

HUNT/BUCKEYE FISH HATCHERY PORTION OF BUCKEYE DITCH WATER:

LENGTH -- 4.0 FT. WEIR
HEAD -- .98 FT HEAD

Q = (3.33) (L) (H^1.5)
Q = (3.33) (4.05 FT.) (.98 ^ 1.5) OR Q = 12.92 CFS

WEIR MEASUREMENT

MEASUREMENT: #8 AND #9

WHEATHERBY/CURREN WATER'S DISCHARGE INTO HUNT DITCH OUT OF POND #26

THERE WAS WATER FROM HUNT DITCH (MEASUREMENT # 9) ENTERING POND # 26 AND CO-MINGLING WITH WHEATHERBY/CURREN WATER AT ON END OF POND # 26 AND THEN BOTH WHERE DISCHARGED AT THE OTHER END OF THE POND (MEASUREMENT # 8). THEREFORE TO ATTAIN THE TOTAL DISCHARGE OF WHEATHERBY/CURREN WATER OUT OF POND # 26 MEASUREMENT #9 MUST BE SUBTRACTED FROM MEASUREMENT #8.

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

Q = (3.33) (LENGTH) (HEAD^1.5)

(This is computed using the Francis formula, neglecting the velocity of approach. Since the measurement was made at the Discharge Point of a Pond velocity of approach was not a factor.)

FLOWS IN CUBIC FEET PER SECOND (CFS)

MEASUREMENT # 9:

LENGTH -- 4.6 FT. WEIR
HEAD -- .14 FT HEAD

Q = (3.33) (4.6 FT.) (.14 ^ 1.5) = .80 CFS

MEASUREMENT # 8:

LENGTH -- 4.75 FT. WEIR
HEAD -- .60 FT HEAD

Q = (3.33) (4.75 FT.) (.60 ^ 1.5) = 7.35 CFS

TOTAL WHEATHERBY/CURREN WATER DISCHARGE INTO HUNT DITCH FROM POND #26

MEASUREMENT #8 - MEASUREMENT #9 = TOTAL WHEATHERBY/CURREN DISCHARGE

7.35 CFS - .80 CFS = 6.55 WHEATHERBY/CURREN DISCHARGE INTO THE HUNT DITCH

WEIR MEASUREMENT

MEASUREMENT: #10

WHEATHERBY/CURREN DISCHARGE INTO HUNT DITCH FROM POND # 25

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

Q = (3.33) (LENGTH) (HEAD^1.5)

(This is computed using the Francis formula, neglecting the velocity of approach. Since the measurement was made at the discharge point of a pond velocity of approach was not a factor.)

FLOWS IN CUBIC FEET PER SECOND (CFS)

LENGTH -- 4 FT. WEIR
HEAD -- .90 FT HEAD

Q = (3.33) (4 FT.) (.90 ^ 1.5) = 11.37 CFS

TOTAL DISCHARGE OF WHEATHERBY/CURREN WATER INTO HUNT DITCH:

TOTAL WHEATHERBY/CURREN DISCHARGE INTO HUNT DITCH FROM POND #26 (WC POND 26) PLUS WHEATHERBY/CURREN DISCHARGE INTO HUNT DITCH FROM POND # 25 (WC POND 25) EQUALS TOTAL WHEATHERBY/CURREN DISCHARGE INTO HUNT DITCH.

6.55 CFS WC POND 26 + 11.37 WC POND 25 = 17.92 CFS DISCHARGED INTO HUNT DITCH FROM WHEATHERBY & CURREN POINTS OF DIVERSIONS.

WEIR MEASUREMENT

MEASUREMENT: #11

WHEATHERBY P/D

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

Q = (3.33) (LENGTH) (HEAD^1.5)

(This is computed using the Francis formula, neglecting the velocity of approach. Since the measurement was made at the end of a fish raceway velocity of approach was not a factor.)

FLOWS IN CUBIC FEET PER SECOND (CFS)

LENGTH -- 5 FT. WEIR
HEAD -- .37 FT HEAD

Q = (3.33) (5 FT.) (.37 ^ 1.5) = 3.75 CFS

WEIR MEASUREMENT

MEASUREMENT: #12

CURREN P/D

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

Q = (3.33) (LENGTH) (HEAD^1.5)

(This is computed using the Francis formula, neglecting the velocity of approach. Since the measurement was made at velocity of approach was not a factor.)

FLOWS IN CUBIC FEET PER SECOND (CFS)

LENGTH -- 10 FT. WEIR
HEAD -- .87 FT HEAD

Q = (3.33) (10 FT.) (.87 ^ 1.5) = 27.35 CFS

WEIR MEASUREMENT

MEASUREMENT: #13

THE WHEATHERBY/CURREN DITCH'S SPLIT INTO TWO CHANNELS:

AFTER THE CURREN AND WHEATHERBY CO-MINGLE THE DITCH FORKS INTO TWO DIRECTIONS. ONE DIRECTION IS USED EXCLUSIVELY BY BUCKEYE FARMS AND THE OTHER DIRECTION IS USED BY OTHER WATER RIGHT HOLDERS OTHER THAN BUCKEYE FARMS.

PLEASE NOTE: THERE WILL BE TWO MEASUREMENTS CALCULATED.

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

Q = (3.33) (LENGTH) (HEAD^1.5)

(This is computed using the Francis formula, neglecting the velocity of approach. Since the measurement was made at a Fairly Level Point velocity of approach was not a factor.)

FLOWS IN CUBIC FEET PER SECOND (CFS)

BUCKEYE FARMS PORTION OF SPLIT:

LENGTH -- 6 FT. WEIR
HEAD -- 1.01 FT HEAD

Q = (3.33) (6 FT.) (1.01 ^ 1.5) = 20.28 CFS

PLEASE NOTE: I am not confident that this reading is as accurate as the polysonic reading on the pipe due to fluctuating water levels.

OTHER USERS PORTION OF SPLIT:

LENGTH -- 6 FT. WEIR
HEAD -- .47 FT. HEAD

Q = (3.33) (6 FT.) (.47 ^ 1.5) = 6.44 CFS

POLYSONIC READINGS

PERMIT #: MEASUREMENT #14

WHEATHERBY/CURREN PIPELINE

FIRST SET OF INFORMATION:

SET - UP IMPUTE DATA USED DURING
PREPARATION FOR FLOW MEASUREMENTS

SECOND SET OF INFORMATION:

THESE ARE THE READINGS TAKEN FOR
THE WELL. **PLEASE NOTE: THE 4GPM
MEANS THE NUMBER SHOWN MUST BE MULTIPLIED
BY 10000.**

FLOWS IN GALLONS PER MINUTE (GPM)

```
   10710
 + 10650
 + 10640
 + 10690
 + 10730
 + 10720
 + 10640
 + 10640
 + 10670
 + 10640
 + 10680
  117410
```

117410 / 11 = 10673.64 GPM

10673.64 / 448.8 = 23.78 CFS

```
13:28+  1.071E 4GPM  00R
      +00000 *10 G   00R
      -00000 *10 G   00R

13:29+  1.065E 4GPM  00R
      +01069 *10 G   00R
      -00000 *10 G   00R

13:30+  1.064E 4GPM  00R
      +02135 *10 G   00R
      -00000 *10 G   00R

13:31+  1.069E 4GPM  00R
      +03202 *10 G   00R
      -00000 *10 G   00R

13:32+  1.073E 4GPM  00R
      +04273 *10 G   00R
      -00000 *10 G   00R

13:33+  1.072E 4GPM  00R
      +05343 *10 G   00R
      -00000 *10 G   00R

13:34+  1.064E 4GPM  00R
      +06410 *10 G   00R
      -00000 *10 G   00R

13:35+  1.064E 4GPM  00R
      +07476 *10 G   00R
      -00000 *10 G   00R

13:36+  1.067E 4GPM  00R
      +08540 *10 G   00R
      -00000 *10 G   00R

13:37+  1.064E 4GPM  00R
      +09607 *10 G   00R
      -00000 *10 G   00R

13:38+  1.068E 4GPM  00H
      -00672 *10 G   00R
      -02303 *10 G   00R
```

1ST SET OF INFORMATION

```
MODE SELECT
      INPUT

OUTER DIAMETER
29.9311  IN

PIPE MATERIAL
?       CS,SS

WALL THICKNESS
0.3780   IN

INNER LINING
?       NO LING.

KIND OF FLUID
?       WATER

SENSOR MOUNTING
?       Z

TYPE OF SENSOR
?       SMALL

DATA CHANGE
?       NO

DATA CHANGE   ER
?       NO

SPACING
12.550   IN Z

MODE SELECT
      T0 CHECK

0556.1  MMSEC
102.02  % T0

01-28 13:4100 *R
+001.90 %  AIZ
```

SECOND SET OF INFORMATION

OVERLAP REVIEW FOR BUCKEYE FARMS

HUNT DITCH

36-00001	IRRIGATION	DECREED	12.0 CFS
36-00002	IRRIGATION	DECREED	10.45 CFS
* 36-07741	FISH PROPOGATION	PERMIT	24.0 CFS
*36-08729	WILDLIFE AESTHETIC RECREATION	PERMIT	24.0 CFS

BUCKEYE DITCH

36-00003H	IRRIGATION	DECREED	11.9 CFS
36-07739	FISH PROPOGATION	PERMIT	12.0 CFS
*36-08335	WILDLIFE AESTHETIC RECREATION	PERMIT	12.0 CFS
36-07739	FISH PROPOGATION	LICENSE ?	12.0 CFS



WHEATHERBY SPRINGS

36-00015	IRRIGATION	DECREED	6.5 CFS
*36-07740	FISH PROPOGATION	PERMIT	
*36-08728	WILDLIFE AESTHETIC RECREATION	PERMIT	6.5 CFS
T36-00015		TRANSFER	

BILLINGSLEY CREEK

36-00018	IRRIGATION	DECREED	20.0 CFS
*36-07742	FISH PROPOGATION	PERMIT	20.0 CFS
*36-08730	WILDLIFE AESTHETIC RECREATION	PERMIT	20.0 CFS
T36-00018		TRANSFER	

These are the only overlapping rights that seem to have any significance. Applications for permit were not included.

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E34																	0
Right	1 213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO,	SNAKE RIVER	07S13E34																	0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E34																	0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E34																	0
Claim	2 33	IDAHO POWER CO,	SNAKE RIVER	07S13E34											1	10					11
Claim	2 36	IDAHO POWER CO,	SNAKE RIVER	07S13E34											3						3
Claim	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	40	40	40	40	40	40	40			20	5	40	40	10	20	455
Rec	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	38	40	38	40	34	31	39	7	10			13	17			347
Right	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	38	40	38	40	34	31	39	7	10			13	17			347
Right	36 136	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34								X							X	X	0
Right	36 137	IDAHO POWER CO,	RILEY CREEK	07S13E34								X							X	X	0
Right	36 187	MORTON REALTY CO LTD,	SPRINGS	07S13E34	X			X													0
Right	36 194	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34								X							X	X	0
Right	36 195	IDAHO POWER CO,	RILEY CREEK	07S13E34								X							X	X	0
Claim	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	40	40	40	40	40	40	40			20	5	40	40	10	20	455
Rec	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	38	40	38	40	34	31	39	7	10			13	17			347
Right	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	38	40	38	40	34	31	39	7	10			13	17			347
Right	36 2046	IDAHO POWER CO,	RILEY CREEK	07S13E34																10	10
Claim	36 2478	IDAHO POWER CO,	TUCKER SPRINGS	07S13E34												X					0
Claim	36 2478	IDAHO POWER CO,	TUCKER SPRINGS	07S13E34												X					0
Rec	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Rec	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Rec	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Right	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Right	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Right	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Right	36 3	NEW INTERNATIONAL MORTGAGE BANK,	BILLINGSLEY CREEK	07S13E34	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	0
Claim	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34						5	20			30	10						65
Rec	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34						2	15			10							27
Right	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34						2	15			10							27
Permit	36 7739	BUCKEYE FARMS INC,		07S13E34							X										0
Permit	36 7740	BUCKEYE FARMS INC,	WEATHERBY SPRINGS	07S13E34							X										0
Permit	36 7741	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34							X										0
Permit	36 7742	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34							X										0
Permit	36 8335	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34										X	X						0
Right	36 8424	BUCKEYE FARMS INC,	GROUND WATER	07S13E34							X										0
Permit	36 8728	BUCKEYE FARMS INC,	WEATHERBY SPRINGS	07S13E34	X	X	X				X	X		X	X						0
Permit	36 8729	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34									X	X	X		X	X			0
Permit	36 8730	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34	X	X	X				X	X		X	X						0
App	36 8783	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34	X	X	X	X	X		X	X	X	X	X		X	X			0
App	36 8783	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34	X	X	X	X	X		X	X	X	X	X		X	X			0
App	36 8783	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34							X		X								0
App	36 8784	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34							X										0
App	36 8784	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34							X			X	X						0
App	36 8784	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34							X			X	X						0
App	36 8785	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34							X		X	X	X		X	X			0
App	36 8785	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34							X		X								0
App	36 8785	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34							X		X	X	X		X	X			0

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E33	40	36	26	10	6			4	1				6	24	5	29	187
Right	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E33	40	36	26	10	6			4	1				6	24	5	29	187
Rec	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E33	40	36	26	10	6			4	1				6	24	5	29	187
Right	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E33	40	36	26	10	6			4	1				6	24	5	29	187
Rec	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E33	40	36	26	10	6			4	1				6	24	5	29	187
Right	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E33	40	36	26	10	6			4	1				6	24	5	29	187
Claim	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E33	40	40	40	40	20			10					38	30	38	10	306
Claim	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E33	40	40	40	40	20			10					38	30	38	10	306
Claim	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E33	40	40	40	40	10			10					35	25	10	35	285
Right	36 3	NEW INTERNATIONAL MORTGAGE BANK,	BILLINGSLEY CREEK	07S13E33	X	X	X	X	X			X	X					X	X	X	0
Permit	36 7739	BUCKEYE FARMS INC,		07S13E33				X													0
Permit	36 7740	BUCKEYE FARMS INC,	WEATHERBY SPRINGS	07S13E33				X													0
Permit	36 7741	BUCKEYE FARMS INC,	RILEY CREEK	07S13E33				X													0
Permit	36 7742	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E33				X													0
Permit	36 8335	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E33			X	X									X	X		X	0
Right	36 8424	BUCKEYE FARMS INC,	GROUND WATER	07S13E33				X													0
Permit	36 8728	BUCKEYE FARMS INC,	WEATHERBY SPRINGS	07S13E33			X	X									X	X		X	0
Permit	36 8729	BUCKEYE FARMS INC,	RILEY CREEK	07S13E33	X	X	X	X									X	X		X	0
Permit	36 8730	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E33			X	X									X	X		X	0
App	36 8783	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E33	X	X	X	X				X	X	X	X		X	X		X	0
App	36 8783	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E33	X	X	X	X				X	X	X	X		X	X		X	0
App	36 8784	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E33	X	X	X	X	X			X					X	X		X	0
App	36 8784	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E33	X	X	X	X	X			X					X	X		X	0
App	36 8785	BUCKEYE FARMS INC,	RILEY CREEK	07S13E33	X	X	X	X				X					X	X		X	0
App	36 8785	BUCKEYE FARMS INC,	RILEY CREEK	07S13E33	X	X	X	X				X					X	X		X	0
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E33																	0
Right	1 213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO,	SNAKE RIVER	07S13E33																	0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E33																	0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E33																	0

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
App	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E28															40	35	75
App	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E28															40	35	75
Claim	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E28															40	35	75
Claim	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E28															40	35	75
Claim	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E28															40	35	75
Claim	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E28															40	35	75
Claim	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E28												15			40	40	95
Claim	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E28												15			40	40	95
Claim	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E28												20			40	40	100
Permit	36 3	NEW INTERNATIONAL MORTGAGE BANK,	BILLINGSLEY CREEK	07S13E28			X	X				X	X			X	X	X	X	X	0
Rec	36 8335	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E28												X			X	X	0
Rec	36 8784	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E28												X			X	X	0
Rec	36 8784	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E28												X			X	X	0
Rec	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E28																	0
Rec	1 213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO,	SNAKE RIVER	07S13E28																	0
Rec	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E28																	0
Rec	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E28																	0
Rec	36 11068	HARRY R GISLER,	GROUND WATER	07S13E28	X																0
Rec	36 11068	HARRY R GISLER,	GROUND WATER	07S13E28	X																0
Rec	36 19B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E28			9	25									40	23			97
Rec	36 19B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E28			9	25									40	22			96
Rec	36 21	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E28	X	X															0
Rec	36 21	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E28	20																20
Rec	36 21	LEO BELL, GLENN BELL, MRS E M BELL,	BILLINGSLEY CREEK	07S13E28	X	X															0
Right	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E28	X	X															0
Right	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E28	40	20															60
Right	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E28	X	X															0
Claim	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E28	8																8
Right	36 21C	UNITED STATES OF AMERICA,	BILLINGSLEY CREEK	07S13E28	12																12
Claim	36 3B	DAVID O KINGSTON,	BILLINGSLEY CREEK	07S13E28			11	22										20			53
Claim	36 3B	DAVID O KINGSTON,	BILLINGSLEY CREEK	07S13E28													40				40
Rec	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E28			X	X									X	X			0
Rec	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E28			9	25									40	23			97
Right	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E28			9	25									40	23			97
Right	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E28			X	X									X	X			0
Right	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E28			9	25									40	22			96
Right	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E28			X	X													0
Right	36 5B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E28			9	25									40	23			97
Right	36 5B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E28			9	25									40	22			96

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E27											40	40			40	40	160
Rec	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E27											32	40			40	40	152
Right	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E27											32	40			40	40	152
Claim	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E27											40	40			40	40	160
Rec	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E27											32	40			40	40	152
Right	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E27											32	40			40	40	152
Right	36 2007	BIG BEND IRRIGATION & MINING CO LTD,	TUCKER SPRINGS	07S13E27			X		X			X	X	X	X	X	X	X	X	X	0
Right	36 5	AMANDA J GOODING,	BILLINGSLEY CREEK	07S13E27											X	X			X	X	0
Permit	36 8728	BUCKEYE FARMS INC,	WEATHERBY SPRINGS	07S13E27											X	X			X	X	0
Permit	36 8730	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E27											X	X			X	X	0
App	36 8783	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E27															X	X	0
App	36 8783	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E27															X	X	0
Claim	36 10524	ORLAND PETERSON,	GROUND WATER	07S13E27																X	0
Right	36 10524	ORLAND PETERSON,	GROUND WATER	07S13E27																X	0
Right	36 187	MORTON REALTY CO LTD,	SPRINGS	07S13E27																X	0
Rec	36 133	BIG BEND IRRIGATION & MINING CO,	LOWER TUCKER SPRINGS, UPPER TUCKER SPRINGS	07S13E27	18	7	25	22										12	15		99
Right	36 133	BIG BEND IRRIGATION & MINING CO,	LOWER TUCKER SPRINGS, UPPER TUCKER SPRINGS	07S13E27	18	7	25	22										12	15		99
Rec	36 192	BIG BEND IRRIGATION & MINING CO,	LOWER TUCKER SPRINGS, UPPER TUCKER SPRINGS	07S13E27	18	7	25	22										12	15		99
Right	36 192	BIG BEND IRRIGATION & MINING CO,	LOWER TUCKER SPRINGS, UPPER TUCKER SPRINGS	07S13E27	18	7	25	22										12	15		99
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E27																	0
Right	1 213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO,	SNAKE RIVER	07S13E27																	0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E27																	0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E27																	0
Claim	36 10207A	JANANNE VARGO,	GROUND WATER	07S13E27		X															0
Right	36 10207A	JANANNE VARGO,	GROUND WATER	07S13E27		X															0
Claim	36 10207B	MARDELL RADTKE, GAIL LEE DAVIS,	GROUND WATER	07S13E27		X															0
Right	36 10207B	SHERRI MARTINAT, RICK L MARTINAT,	GROUND WATER	07S13E27		X															0
Claim	36 10334	EDNA M REA,	GROUND WATER	07S13E27			X														0
Claim	36 10334	EDNA M REA,	GROUND WATER	07S13E27			X														0
Right	36 10334	EDNA M REA,	GROUND WATER	07S13E27			X														0
Right	36 10334	EDNA M REA,	GROUND WATER	07S13E27			X														0
Claim	36 10392	NELLIE DRAGE, GORDON DRAGE,	GROUND WATER	07S13E27		X															0
Claim	36 10392	NELLIE DRAGE, GORDON DRAGE,	GROUND WATER	07S13E27		X															0
Right	36 10392	NELLIE DRAGE, GORDON DRAGE,	GROUND WATER	07S13E27		X															0
Right	36 10392	NELLIE DRAGE, GORDON DRAGE,	GROUND WATER	07S13E27		X															0
Claim	36 10472	RUTH F SCHEUERMANN,	GROUND WATER	07S13E27		X															0
Right	36 10472	CHARMAIN MAYS, HAROLD E MAYS,	GROUND WATER	07S13E27		X															0
Claim	36 10513	BARBARA GARDNER,	GROUND WATER	07S13E27							X										0
Right	36 10513	BARBARA GARDNER,	GROUND WATER	07S13E27							X										0
Claim	36 10521	LYNN J BABINGTON,	GROUND WATER	07S13E27								X									0
Right	36 10521	KATHY L BABINGTON, LYNN J BABINGTON,	GROUND WATER	07S13E27								X									0
Claim	36 10540	THOMAS L HARBISON, TERRI A HARBISON,	GROUND WATER	07S13E27										X							0
Right	36 10540	THOMAS L HARBISON, TERRI A HARBISON,	GROUND WATER	07S13E27										X							0
Claim	36 10616	DENNIS N HOFFMAN, TINA I HOFFMAN,	GROUND WATER	07S13E27		X															0

Right	36 10616	TINA I HOFFMAN, DENNIS N HOFFMAN,	GROUND WATER	07S13E27		X															0
Claim	36 10622	ROY E SAUER, VIVA SAUER,	GROUND WATER	07S13E27	X																0
Claim	36 10622	ROY E SAUER, VIVA SAUER,	GROUND WATER	07S13E27	X																0
Right	36 10622	VIVA SAUER, ROY E SAUER,	GROUND WATER	07S13E27	X																0
Right	36 10622	VIVA SAUER, ROY E SAUER,	GROUND WATER	07S13E27	X																0
Claim	36 11069	HARRY R GISLER,	GROUND WATER	07S13E27						X											0
Right	36 11069	HARRY R GISLER,	GROUND WATER	07S13E27						X											0
Claim	36 11C	IVAN GUSTAFSON,	WEATHERBY SPRINGS	07S13E27				9									9				18
Rec	36 133	BIG BEND IRRIGATION & MINING CO,	UPPER TUCKER SPRINGS	07S13E27	18	7	25	22									12	15			99
Claim	36 133	BIG BEND IRRIGATION & MINING CO,	UPPER TUPPER SPRINGS	07S13E27	29		40	40									40				149
Claim	36 15104	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Claim	36 15104	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Right	36 15104	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Right	36 15104	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Claim	36 15106	PETE VEENSTRA JR,	GROUND WATER	07S13E27	X																0
Right	36 15106	PETE VEENSTRA JR,	GROUND WATER	07S13E27	X																0
Claim	36 15457	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Right	36 15457	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Claim	36 15479	WILLIAM B SHAPPEE,	GROUND WATER	07S13E27	X																0
Rec	36 15479	WILLIAM B SHAPPEE,	GROUND WATER	07S13E27	X																0
Claim	36 15525	GUSTAFSON FAMILY TRUST,	WASTEWATER	07S13E27													3	29			32
Rec	36 15663	WILLIAM B SHAPPEE,	WEATHERBY SPRINGS	07S13E27	0.25																0.25
Claim	36 15664	GWENDOLYN PEARSON TZANAKAKIS, NIKO TZANAKAKIS,	WEATHERBY SPRINGS	07S13E27	5.7																5.7
Right	36 19	HARLAN BELL,	BILLINGSLEY CREEK	07S13E27							X				X						0
Claim	36 192	BIG BEND IRRIGATION & MINING CO,	LOWER TUCKER SPRINGS	07S13E27	29		40	40									40				149
Rec	36 192	BIG BEND IRRIGATION & MINING CO,	LOWER TUCKER SPRINGS	07S13E27	18	7	25	22									12	15			99
Claim	36 19A	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								24									24
Claim	36 19A	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								X									0
Claim	36 19B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							30				9						39
Claim	36 19B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							X										0
Rec	36 19B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							24				9						33
Rec	36 19B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							X										0
Claim	36 19C	DOYT H SIMCOE, ROXIE J SIMCOE,	BILLINGSLEY CREEK	07S13E27										40	18						58
Claim	36 19C	DOYT H SIMCOE, ROXIE J SIMCOE,	BILLINGSLEY CREEK	07S13E27									X	X							0
Claim	36 19D	RAYBURN B MC CLURE,	BILLINGSLEY CREEK	07S13E27											10						10
Rec	36 19D	RAYBURN B MC CLURE,	BILLINGSLEY CREEK	07S13E27											8.5						8.5
Right	36 20	HARLAN BELL,	RILEY CREEK, UPPER TUCKER SPRINGS	07S13E27							X			X							0
Claim	36 2007	BIG BEND IRRIGATION & MINING CO,	UPPER TUCKER SPRINGS	07S13E27	29		40	40									40				149
Right	36 2029	JOHN MC CARTY,	JONES SPRING	07S13E27	40			40									40				120
Rec	36 21	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27						X											0
Rec	36 21	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27							32										32
Right	36 21	LEO BELL, GLENN BELL, MRS E M BELL,	BILLINGSLEY CREEK	07S13E27						X											0
Claim	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27						X											0
Claim	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27							40										40
Rec	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27						X											0
Rec	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27							32										32
TClaim	36 24B	ORLAND PETERSON,	BILLINGSLEY CREEK	07S13E27					31												31
Right	36 3	NEW INTERNATIONAL MORTGAGE BANK,	BILLINGSLEY CREEK	07S13E27			X				X	X	X	X				X			0

Claim	36 33C	LEROY E ELLIS, CONSTANCE L ELLIS,	WEATHERBY SPRINGS	07S13E27	8																	8
Claim	36 33D	ROY E SAUER, VIVA SAUER,	WEATHERBY SPRINGS	07S13E27	3																	3
Rec	36 33D	VIVA SAUER, ROY E SAUER,	WEATHERBY SPRINGS	07S13E27	1																	1
Rec	36 33D	ROY E SAUER, VIVA SAUER,	WEATHERBY SPRINGS	07S13E27	1																	1
Claim	36 33E	EDNA M REA,	WEATHERBY SPRINGS	07S13E27				17														17
Rec	36 33E	EDNA M REA,	WEATHERBY SPRINGS	07S13E27				17														17
Rec	36 33E	EDNA M REA,	WEATHERBY SPRINGS	07S13E27				17														17
Rec	36 33F	GUSTAFSON FAMILY TRUST,	WEATHERBY SPRINGS	07S13E27														11				11
Right	36 33F	GUSTAFSON FAMILY TRUST,	WEATHERBY SPRINGS	07S13E27														11				11
Rec	36 33G	GENEVIEVE R STRINGER, GEORGE M STRINGER,	WEATHERBY SPRINGS	07S13E27	9.5																	9.5
Right	36 34	DOYLE O CLIFFORD, ELVIRA E MC CORKLE, RICHARD C CLIFFORD, ETHEL C SMITH, HOWARD F CLIFFORD, WILLIAM H CLIFFORD, FRANCES M CLIFFORD, EDNA N CLIFFORD,	BILLINGSLEY CREEK	07S13E27	X	X		X										X				0
Claim	36 34B	ROGER SHAFFER,	BILLINGSLEY CREEK	07S13E27		1																1
Rec	36 34B	ROGER SHAFFER,	BILLINGSLEY CREEK	07S13E27		1																1
Rec	36 34B	ROGER SHAFFER,	BILLINGSLEY CREEK	07S13E27		1																1
Claim	36 34C	NELLIE DRAGE, GORDON DRAGE,	BILLINGSLEY CREEK	07S13E27		5																5
Claim	36 34E	KATHLEEN BROWN, LLOYD BROWN,	BILLINGSLEY CREEK	07S13E27		8																8
Rec	36 34E	LLOYD BROWN, KATHLEEN BROWN,	BILLINGSLEY CREEK	07S13E27		8																8
Right	36 34E	KATHLEEN BROWN, LLOYD BROWN,	BILLINGSLEY CREEK	07S13E27		8																8
Claim	36 34F	MARDELL RADTKE, GAIL LEE DAVIS,	BILLINGSLEY CREEK	07S13E27		1.5																1.5
Rec	36 34F	RICK L MARTINAT, SHERRI MARTINAT,	BILLINGSLEY CREEK	07S13E27		1.5																1.5
Rec	36 34F	RICK L MARTINAT, SHERRI MARTINAT,	BILLINGSLEY CREEK	07S13E27		1.5																1.5
Claim	36 34G	CHARMAIN MAYS, HAROLD E MAYS,	BILLINGSLEY CREEK	07S13E27		2																2
Claim	36 34G	CHARMAIN MAYS, HAROLD E MAYS,	BILLINGSLEY CREEK	07S13E27	X																	0
Rec	36 35E	KATHLEEN BROWN, LLOYD BROWN,	BILLINGSLEY CREEK	07S13E27		8																8
Right	36 35E	LLOYD BROWN, KATHLEEN BROWN,	BILLINGSLEY CREEK	07S13E27		8																8
Claim	36 35E	KATHLEEN BROWN, LLOYD BROWN,	WEATHERBY SPRINGS	07S13E27		8																8
Claim	36 35F	COVEY HERITAGE,	WEATHERBY SPRINGS	07S13E27		1.5																1.5
Claim	36 35G	JANANNE VARGO,	WEATHERBY SPRINGS	07S13E27		0.5																0.5
Rec	36 35H	GORDON DRAGE, NELLIE DRAGE,	BILLINGSLEY CREEK	07S13E27		5																5
Right	36 35H	NELLIE DRAGE, GORDON DRAGE,	BILLINGSLEY CREEK	07S13E27		5																5
Claim	36 3A	EDNA M REA,	BILLINGSLEY CREEK	07S13E27			X															0
Claim	36 3A	EDNA M REA,	BILLINGSLEY CREEK	07S13E27			13															13
Rec	36 3A	EDNA M REA,	BILLINGSLEY CREEK	07S13E27			13															13
Rec	36 3A	EDNA M REA,	BILLINGSLEY CREEK	07S13E27			X															0
Rec	36 3A	EDNA M REA,	BILLINGSLEY CREEK	07S13E27			13															13
Rec	36 3A	EDNA M REA,	BILLINGSLEY CREEK	07S13E27			X															0
Rec	36 3A	EDNA M REA,	BILLINGSLEY CREEK	07S13E27			X															0
Rec	36 3A	EDNA M REA,	BILLINGSLEY CREEK	07S13E27			13															13
Claim	36 3B	DAVID O KINGSTON,	BILLINGSLEY CREEK	07S13E27							25											25
Claim	36 3B	DAVID O KINGSTON,	BILLINGSLEY CREEK	07S13E27										11								11
Rec	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							X			X								0
Rec	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							23			9								32

Rec	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							23			9								32
Rec	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							X			X								0
Rec	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							24			9								33
Rec	36 3B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							X											0
Claim	36 3C	LYNN J BABINGTON, KATHY L BABINGTON,	BILLINGSLEY CREEK	07S13E27								10										10
Rec	36 3C	LYNN J BABINGTON, KATHY L BABINGTON,	BILLINGSLEY CREEK	07S13E27								10										10
Rec	36 3C	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								10										10
Rec	36 3C	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								24										24
Rec	36 3C	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								X										0
Claim	36 3D	TERRI A HARBISON, THOMAS L HARBISON,	BILLINGSLEY CREEK	07S13E27											10							10
Rec	36 3D	THOMAS L HARBISON, TERRI A HARBISON,	BILLINGSLEY CREEK	07S13E27											2							2
Rec	36 3D	RAYBURN B MC CLURE, KAREN J MC CLURE,	BILLINGSLEY CREEK	07S13E27											2							2
Rec	36 3D	RAYBURN B MC CLURE, KAREN J MC CLURE,	BILLINGSLEY CREEK	07S13E27											2							2
Claim	36 3F	ROXIE J SIMCOE, DOYT H SIMCOE,	BILLINGSLEY CREEK	07S13E27									40									40
Rec	36 3F	ROXIE J SIMCOE, DOYT H SIMCOE,	BILLINGSLEY CREEK	07S13E27									40									40
Rec	36 3F	ROXIE J SIMCOE, DOYT H SIMCOE,	BILLINGSLEY CREEK	07S13E27									40									40
Rec	36 3F	ROXIE J SIMCOE, DOYT H SIMCOE,	BILLINGSLEY CREEK	07S13E27									40		18							58
Rec	36 3F	ROXIE J SIMCOE, DOYT H SIMCOE,	BILLINGSLEY CREEK	07S13E27									X		X							0
Claim	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E27												5						5
Rec	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E27												1						1
Right	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E27												1						1
Rec	36 3J		BILLINGSLEY CREEK	07S13E27							1	14										15
Rec	36 3J		BILLINGSLEY CREEK	07S13E27							X	X										0
Claim	36 3K	BARBARA GARDNER,	BILLINGSLEY CREEK	07S13E27							10											10
Rec	36 3K	MIKE ENGLES, MARIA YVONNE ANDERSON,	BILLINGSLEY CREEK	07S13E27							1											1
Rec	36 3K	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							1											1
Rec	36 3K	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							X											0
Claim	36 3L	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27																		0
Claim	36 3L	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								27.5										27.5
Claim	36 3L	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27																		0
Rec	36 3L	LYNN J BABINGTON, KATHY L BABINGTON,	BILLINGSLEY CREEK	07S13E27								14										14
Rec	36 3L	LYNN J BABINGTON, KATHY L BABINGTON,	BILLINGSLEY CREEK	07S13E27								X										0
Claim	36 3M	DOYT H SIMCOE, ROXIE J SIMCOE,	BILLINGSLEY CREEK	07S13E27											18.5							18.5
Claim	36 5A	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								24										24
Claim	36 5A	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								X										0
Rec	36 5A	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								24										24
Rec	36 5A	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								X										0
Claim	36 5B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							30				9							39
Claim	36 5B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							X											0
Rec	36 5B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							24				9							33
Rec	36 5B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							X											0
Claim	36 5C	DOYT H SIMCOE, ROXIE J SIMCOE,	BILLINGSLEY CREEK	07S13E27									40		18							58
Claim	36 5C	DOYT H SIMCOE, ROXIE J SIMCOE,	BILLINGSLEY CREEK	07S13E27									X		X							0
Claim	36 7252	FRED I STURTEVANT, JOYCE STURTEVANT,	GROUND WATER	07S13E27																		0
Claim	36 7252	FRED I STURTEVANT, JOYCE STURTEVANT,	GROUND WATER	07S13E27		X																0
Right	36 7252	KJELL QVALE,	GROUND WATER	07S13E27		X																0
Right	36 7252	KJELL QVALE,	GROUND WATER	07S13E27		X																0
Right	36 7437	WILMA A SMITH, HAROLD SMITH,	GROUND WATER	07S13E27		X																0
Claim	36 7437A	KATHLEEN BROWN, LLOYD BROWN,	GROUND WATER	07S13E27		X																0
Claim	36 7437B	COVEY HERITAGE,	GROUND WATER	07S13E27		X																0
Claim	36 8158	NIKO A TZANAKAKIS, GWENDOLYN PEARSON TZANAKAKIS,	GROUND WATER	07S13E27	1																	1
Claim	36 8158	NIKO A TZANAKAKIS, GWENDOLYN PEARSON TZANAKAKIS,	GROUND WATER	07S13E27	X																	0
Claim	36 8158	NIKO A TZANAKAKIS, GWENDOLYN PEARSON TZANAKAKIS,	GROUND WATER	07S13E27	X																	0
Rec	36 8158	NIKO A TZANAKAKIS, GWENDOLYN PEARSON TZANAKAKIS,	GROUND WATER	07S13E27	X																	0

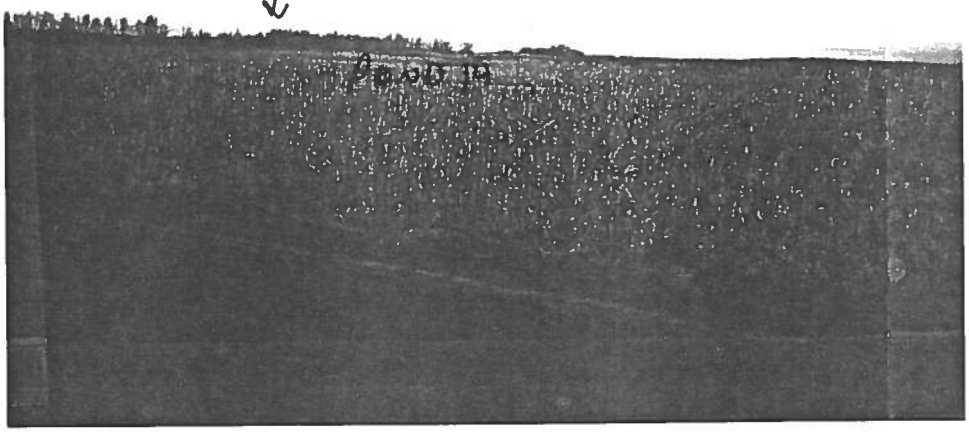
Rec	36 8158	NIKO A TZANAKAKIS, GWENDOLYN PEARSON TZANAKAKIS,	GROUND WATER	07S13E27	X																	0
Rec	36 8158	NIKO A TZANAKAKIS, GWENDOLYN PEARSON TZANAKAKIS,	GROUND WATER	07S13E27	0.5																	0.5
Right	36 8158	GWENDOLYN PEARSON TZANAKAKIS, NIKO A TZANAKAKIS,	GROUND WATER	07S13E27	X																	0
Right	36 8158	GWENDOLYN PEARSON TZANAKAKIS, NIKO A TZANAKAKIS,	GROUND WATER	07S13E27	0.5																	0.5
Right	36 8158	GWENDOLYN PEARSON TZANAKAKIS, NIKO A TZANAKAKIS,	GROUND WATER	07S13E27	X																	0
Permit	36 8567	BIG BEND MINING & IRRIGATION CO,		07S13E27				X										X	X			0
Claim	36 87	ORLAND PETERSON,	BILLINGSLEY CREEK	07S13E27					31													31
Rec	36 87	ORLAND PETERSON,	BILLINGSLEY CREEK	07S13E27					31													31
Right	36 87	ORLAND PETERSON,	BILLINGSLEY CREEK	07S13E27					31													31
TClaim	36 87	ORLAND PETERSON,	BILLINGSLEY CREEK	07S13E27					31													31
App	36 8746	WILLIAM B SHAPPEE,	WASTEWATER	07S13E27	5																	5
Permit	36 8752	GUSTAFSON FAMILY TRUST,	TUCKER SPRINGS	07S13E27														X	X			0
Claim	36 88	ORLAND PETERSON,	BILLINGSLEY CREEK	07S13E27					31													31

Curren Ditch Diversion for Billingsley Creek										
BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	4		Decreed	Active	1884-09-10	15	BILLINGSLEY CREEK	IRRIGATION	CURREN, MARY (Current)	Water Right
36	4		Decreed	Active	1884-09-10	15	BILLINGSLEY CREEK	IRRIGATION, STOCKWATER, WILDLIFE	WESTERN LEGENDS LC (Current)	Adjudication Claim
36	4		Decreed	Active	1884-09-10	15	BILLINGSLEY CREEK	IRRIGATION, STOCKWATER	WESTERN LEGENDS LC (Current)	Adjudication Recommendation
36	18			Active	4/1/1917	20	BILLINGSLEY CREEK	IRRIGATION	BUCKEYE FARMS (Current)	xr To Adj Claim List
36	18		Decreed	Active	4/1/1917	20	BILLINGSLEY CREEK	IRRIGATION	BUCKEYE FARMS INC (Current)	Adjudication Claim
36	18		Decreed	Active	4/1/1917	20	BILLINGSLEY CREEK	IRRIGATION	BUCKEYE FARMS INC (Current)	Adjudication Recommendation
36	18		Decreed	Active	4/1/1917	20	BILLINGSLEY CREEK	IRRIGATION	BUCKEYE FARMS INC (Current)	Water Right
36	18			Active	4/1/1917	20	BILLINGSLEY CREEK	IRRIGATION	BUCKEYE FARMS INC (Current)	xr From Adj Claim List
36	102	A	Decreed	Active	1892-04-01	0.05	BILLINGSLEY CREEK	STOCKWATER	MUSSER, J ALVIN (Current); MUSSER, TIM (Current)	Adjudication Claim
36	7742			Active	8/1/1977	20	BILLINGSLEY CREEK	FISH PROPAGATION	BUCKEYE FARMS INC (Current)	Water Permit
36	8730			Active	9/24/1987	20	BILLINGSLEY CREEK	AESTHETIC, RECREATION, WILDLIFE	BUCKEYE FARMS INC (Current)	Water Permit

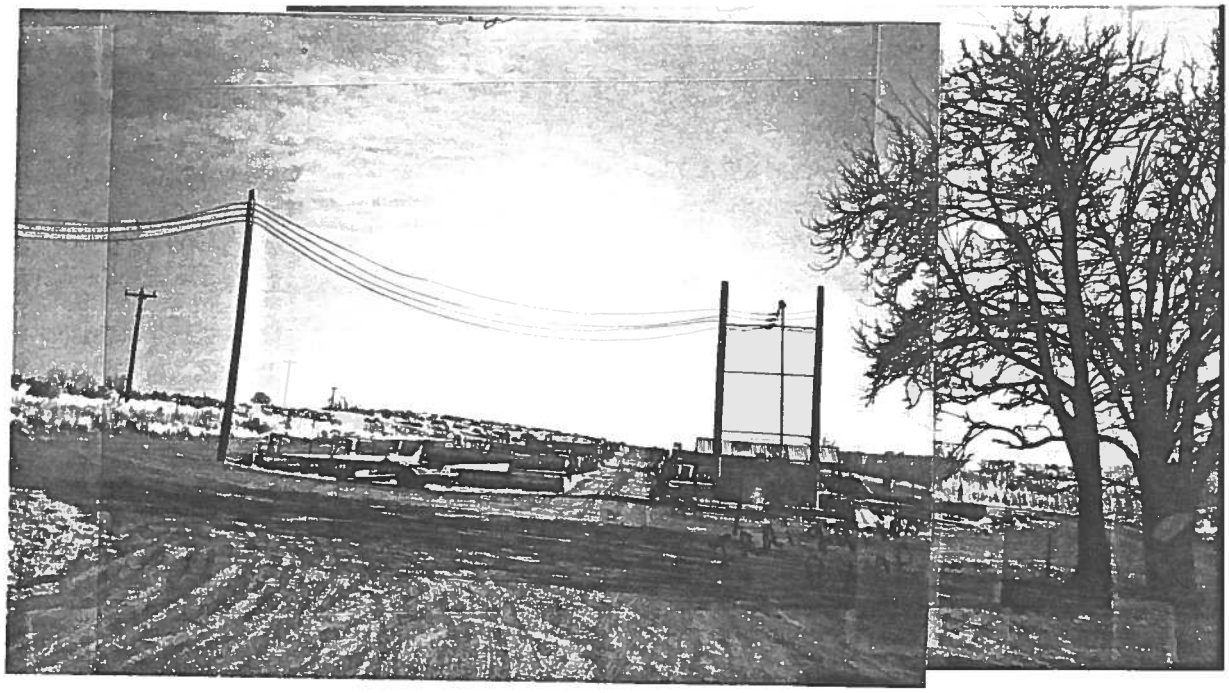
BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	8783			Active	2/17/1998	15	BILLINGS LEY CREEK	AESTHETIC, FISH PROPAGATION, RECREATION, WILDLIFE	BUCKEYE FARMS INC (Current); BUCKEYE FARMS INC (Current)	Water right Application
36	15534		Beneficial Use	Active	2/15/1946	14.1	BILLINGS LEY CREEK	IRRIGATION, WILDLIFE, WILDLIFE STORAGE	WESTERN LEGENDS LC (Current)	Adjudication Claim
36	15534		Beneficial Use	Active	2/15/1946	14.1	BILLINGS LEY CREEK	DIVERSION TO STORAGE, IRRIGATION, WILDLIFE, WILDLIFE STORAGE	WESTERN LEGENDS LC (Current)	Adjudication Recommendation

Original
PHOTOS in
Field Exam
36-07741

This is POND #6



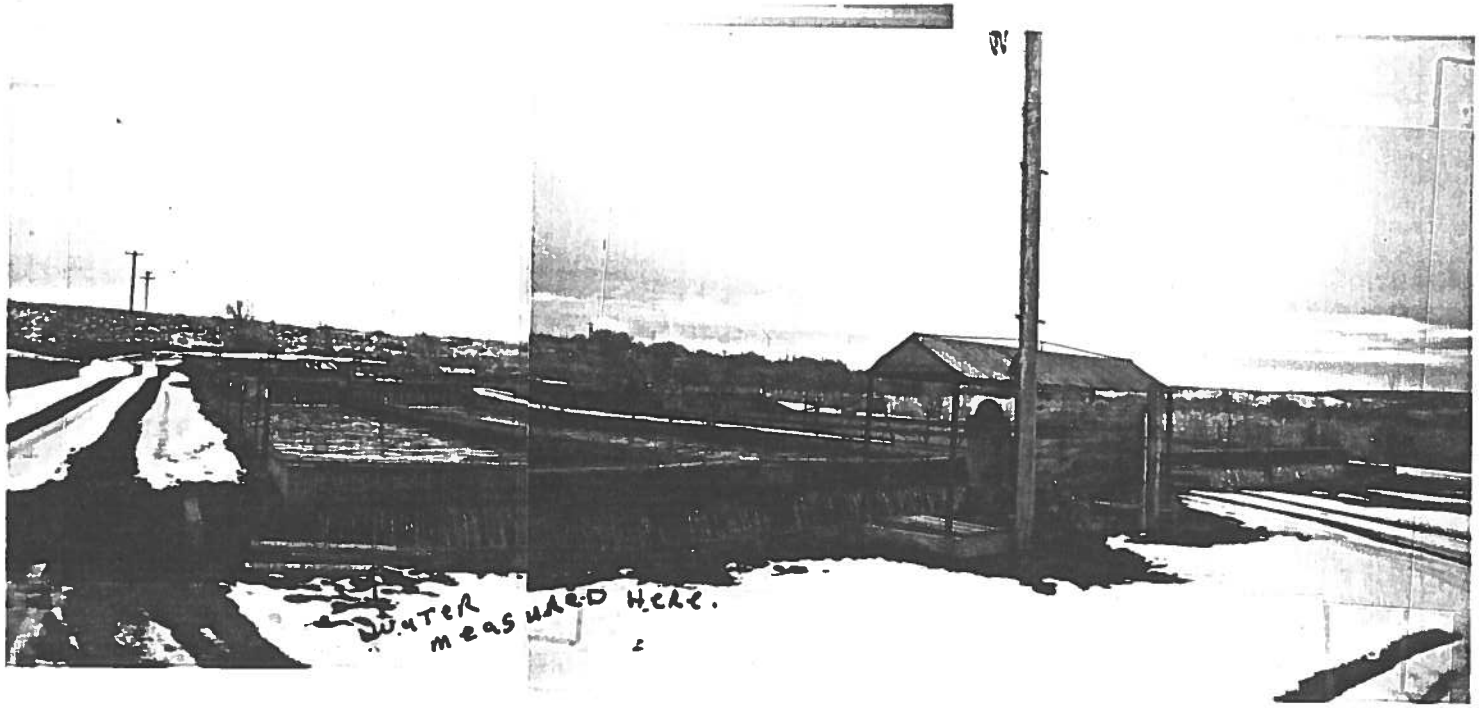
POND #14



HUNT DITCH FISH HATCHERY

There is an IRRIGATION PUMP IN THE TIN SHED AT THE END OF THE FISH HATCHERY

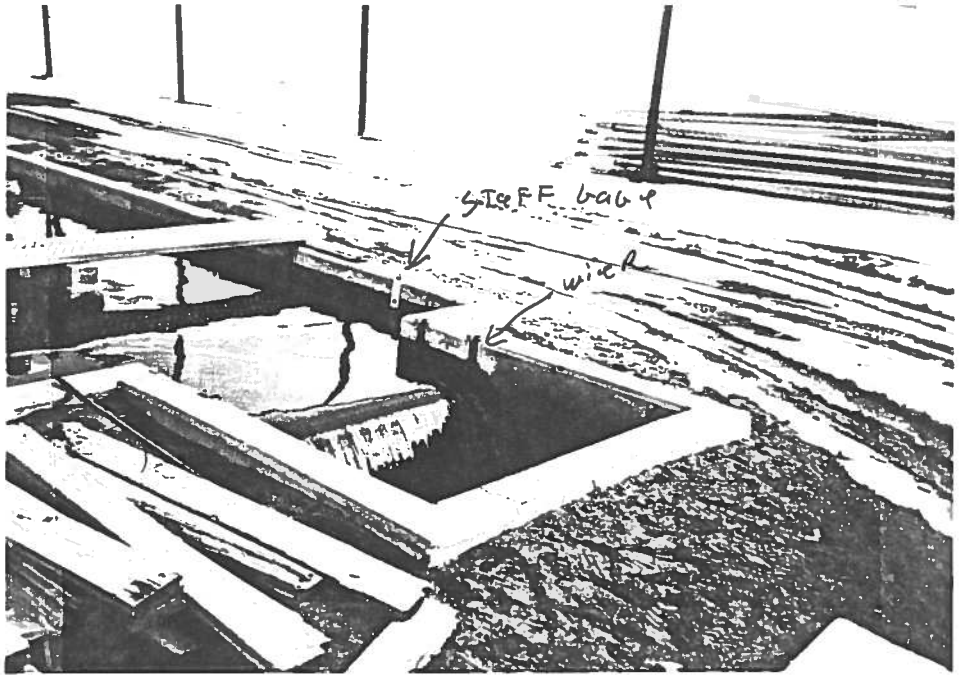
ORIGINAL
Photos in
Field Exam
07741
Basin - 36



HUNT / Buckey Fish Hatchery.

Water was measured at the outlet of this Fish Hatchery.

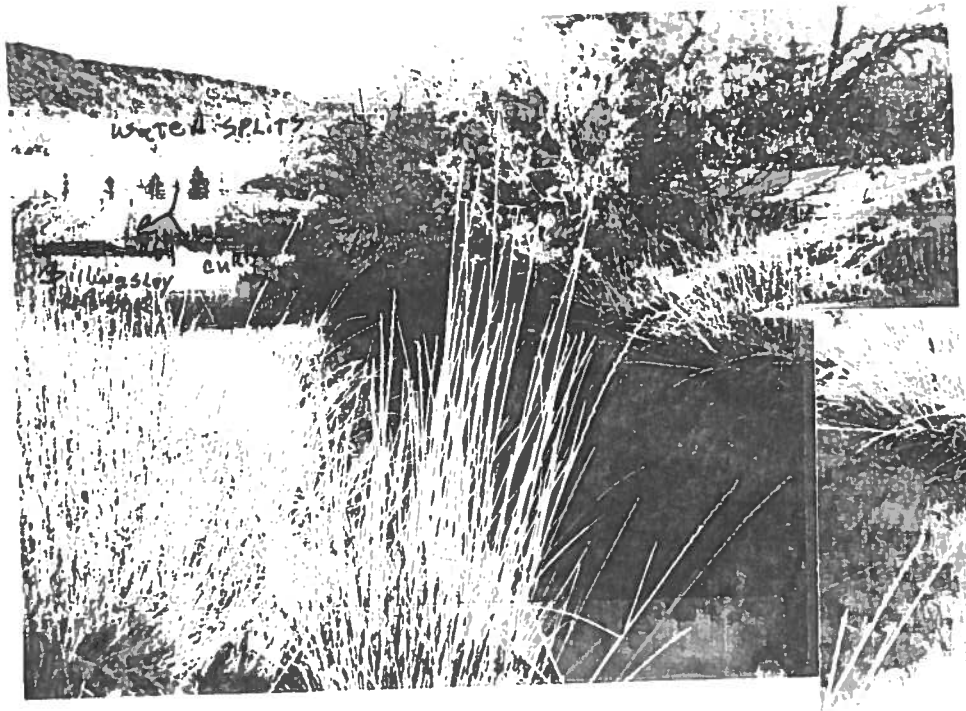
IN Field
Exam
36-08728

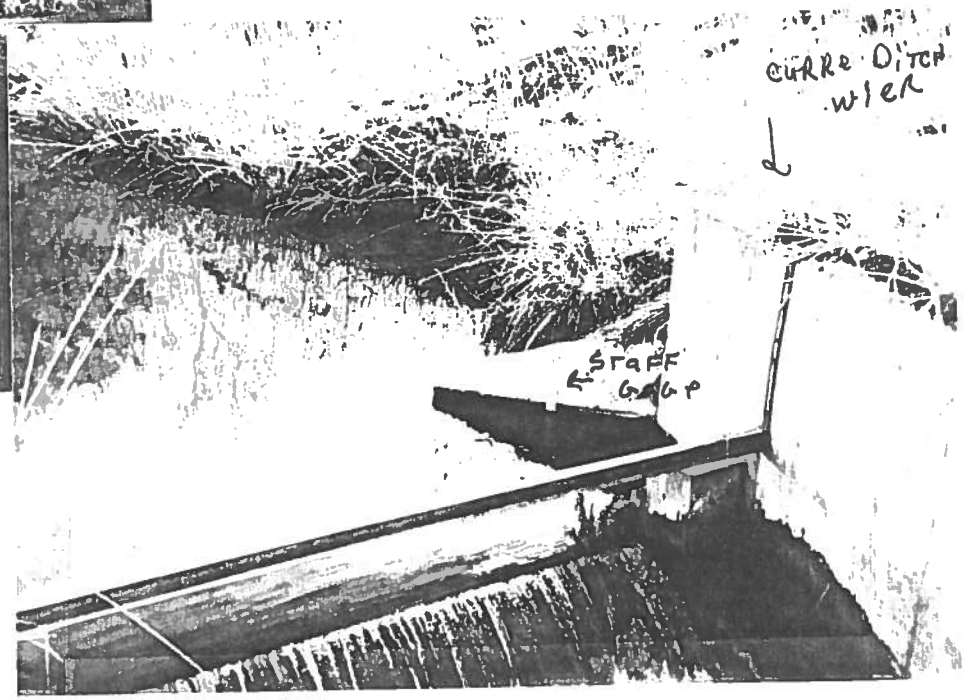


Measurement 11 (weatherby PID)

This is the Point where wheatherby Springs Exits the Jones Fish Hatchery and is sent to the co-mingle point with the Curren Ditch.

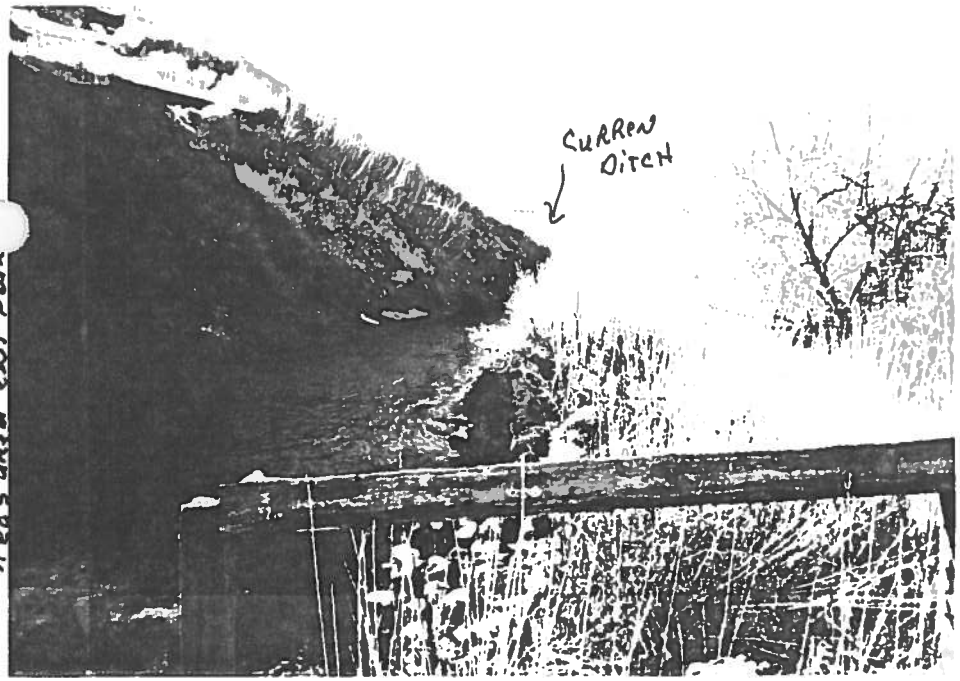
IN FILE
EXAM
36-08728





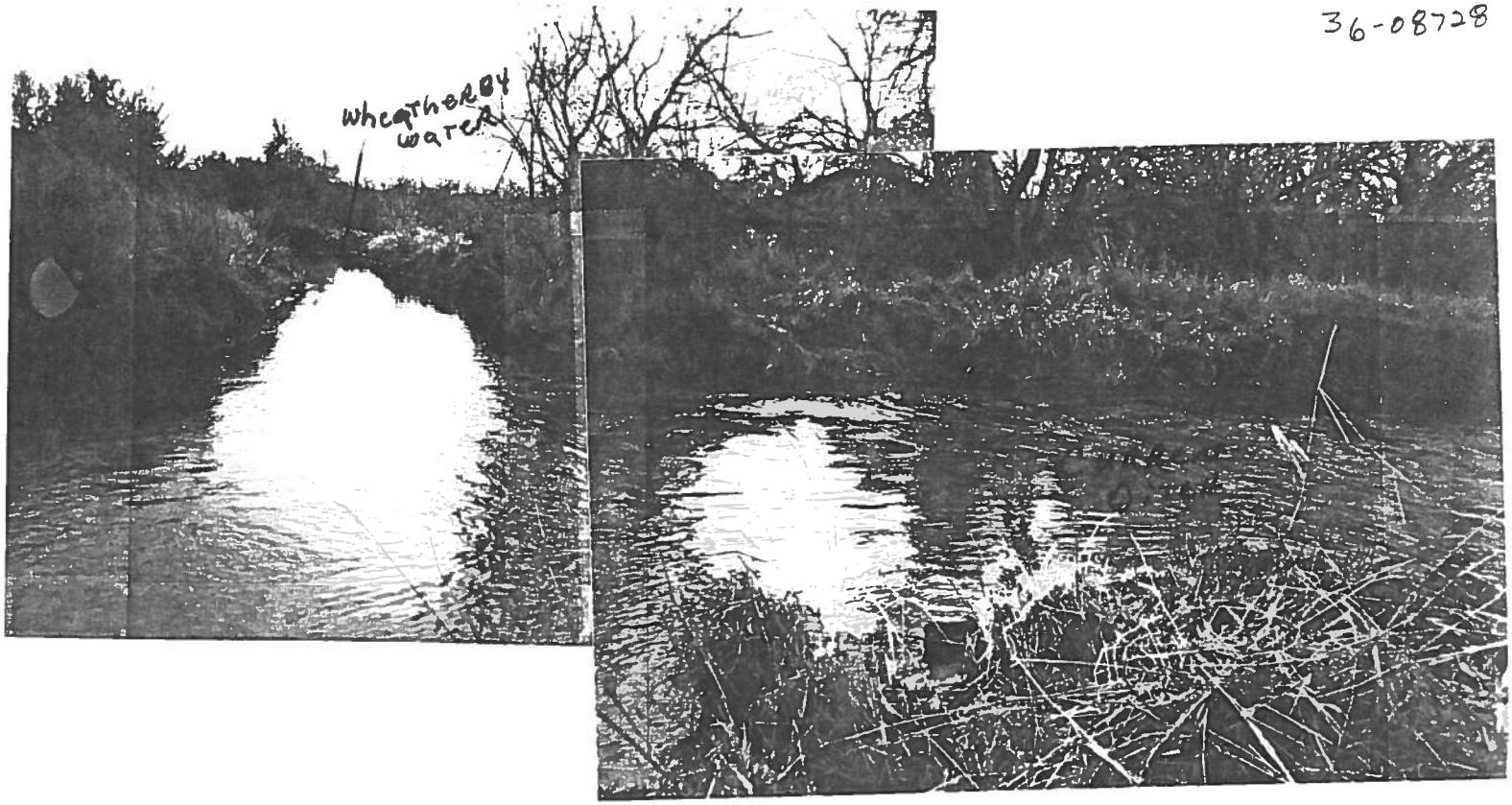
MEASUREMENT #12 (CURREN DITCH)

THIS THE POINT WHERE THE CURREN DITCH SPLITS OFF FROM BILLINGSLEY CREEK. AND THE WIER THAT MEASURES THE FLOW OF THE CURREN DITCH.

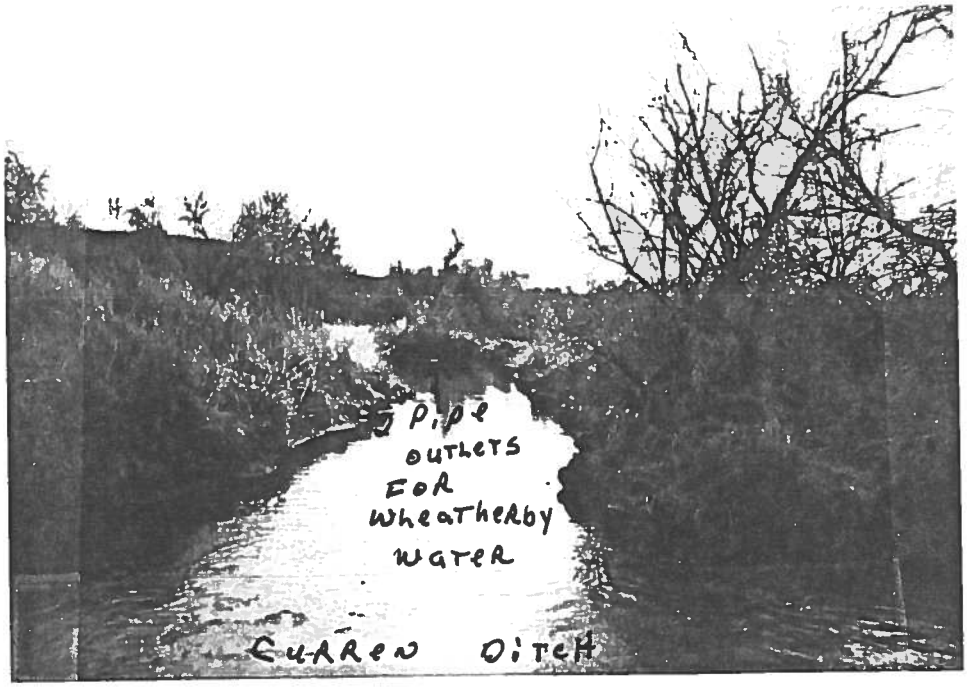


THIS IS A PICTURE OF THE CURREN DITCH DOWN STREAM FROM THE MEASUREMENT #2 WEIR.

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Exam
36-08728



This The Point where wheatherby water co-minghes with the curren Ditch

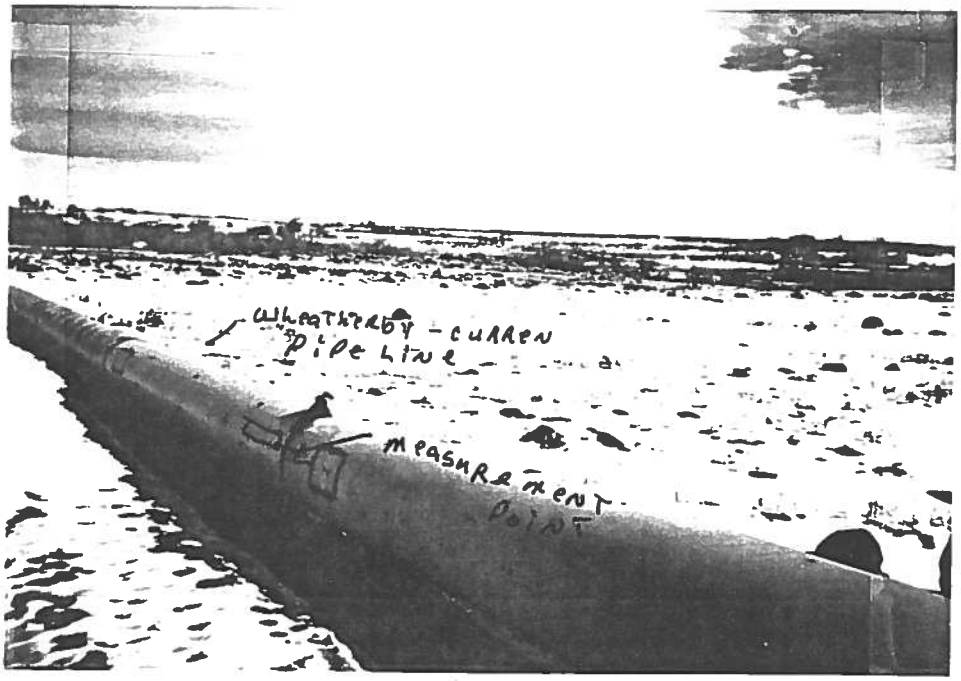


This shows The 2 Pipe outlets of the Weatherby water.

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36-08728

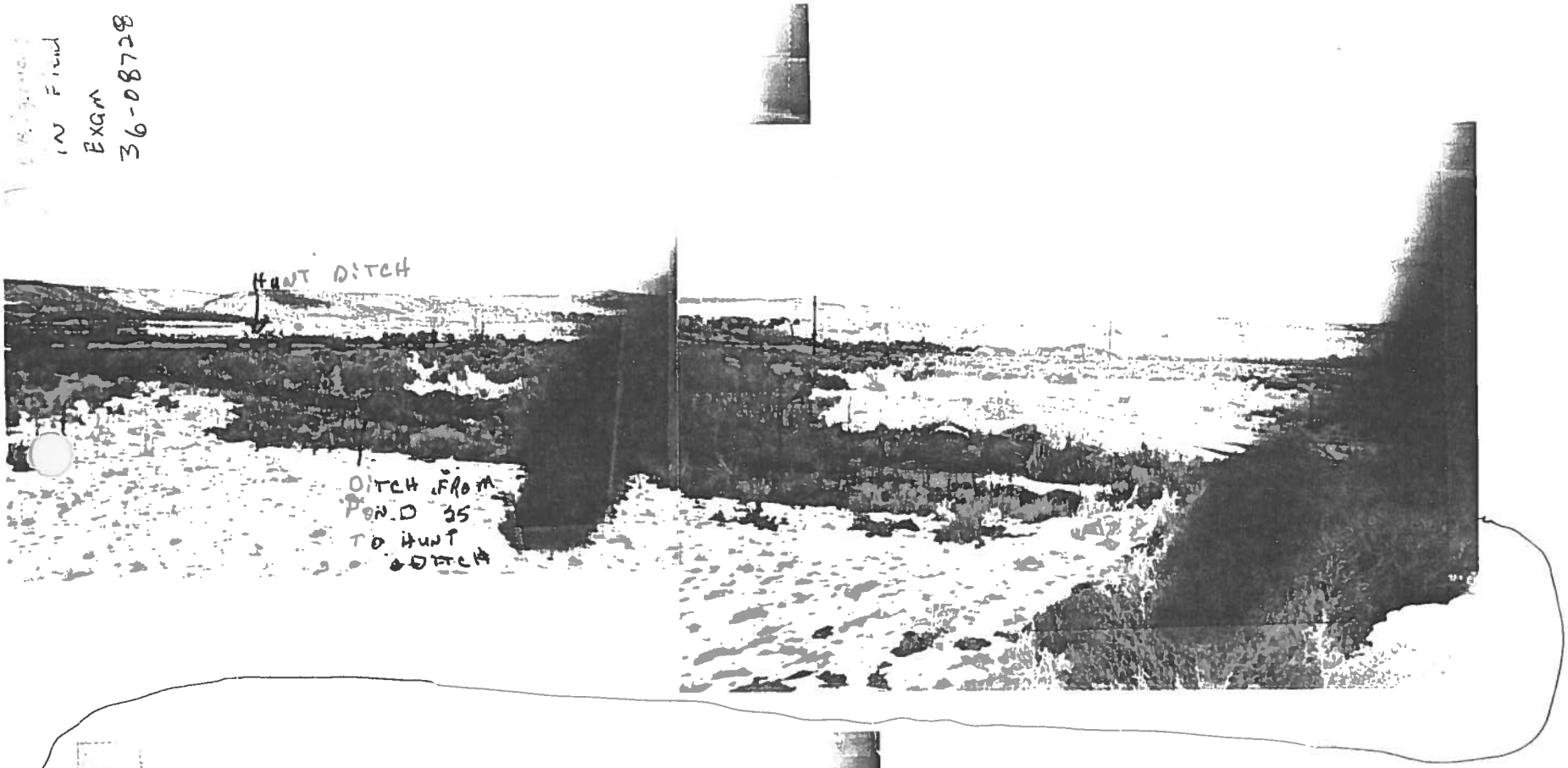


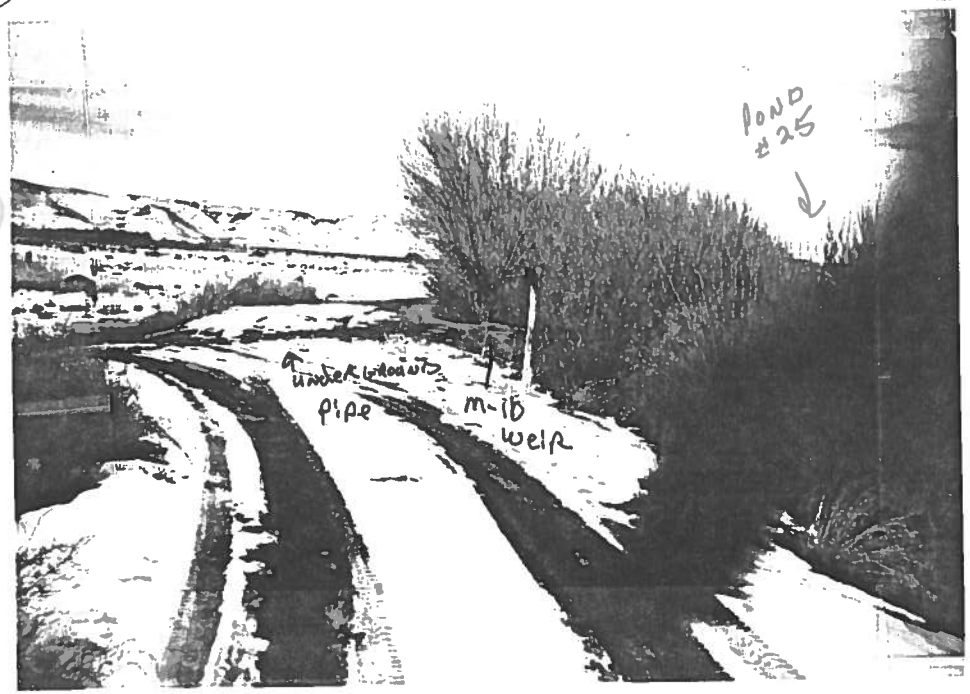
Measurement Point 13. Wheatherby - Curren Ditch split. The water at this point is split between Buckeye Farms and other user's. Both weirs have a staff gage



Measurement Point 14. (Wheatherby - Curren Pipeline) This is the point I measured the Wheatherby - Curren Pipeline.

IN FIELD
EXAM
36-087298

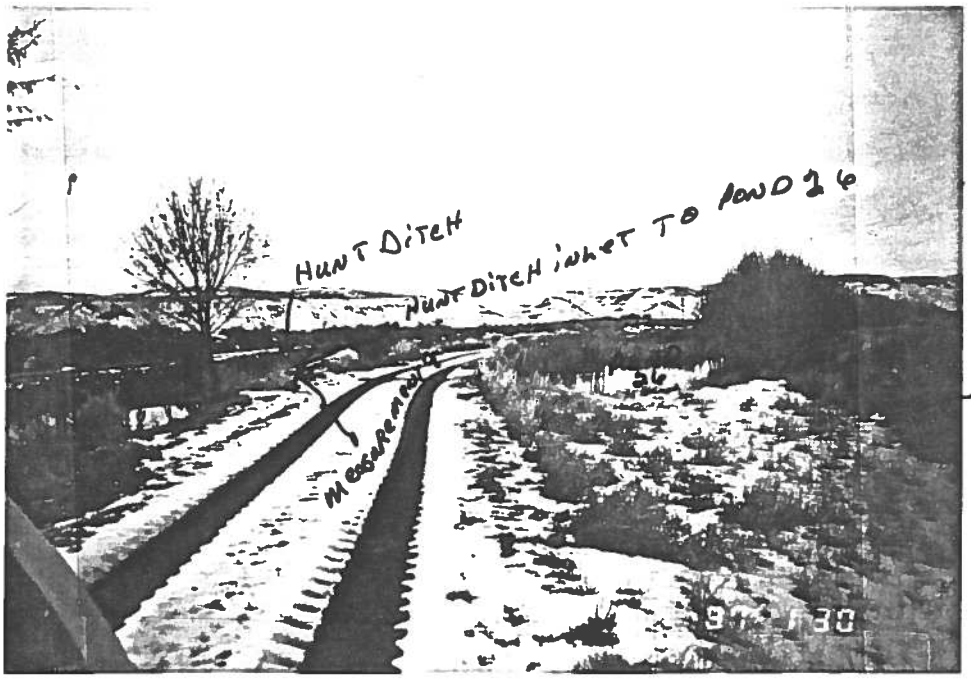




Measurement #10

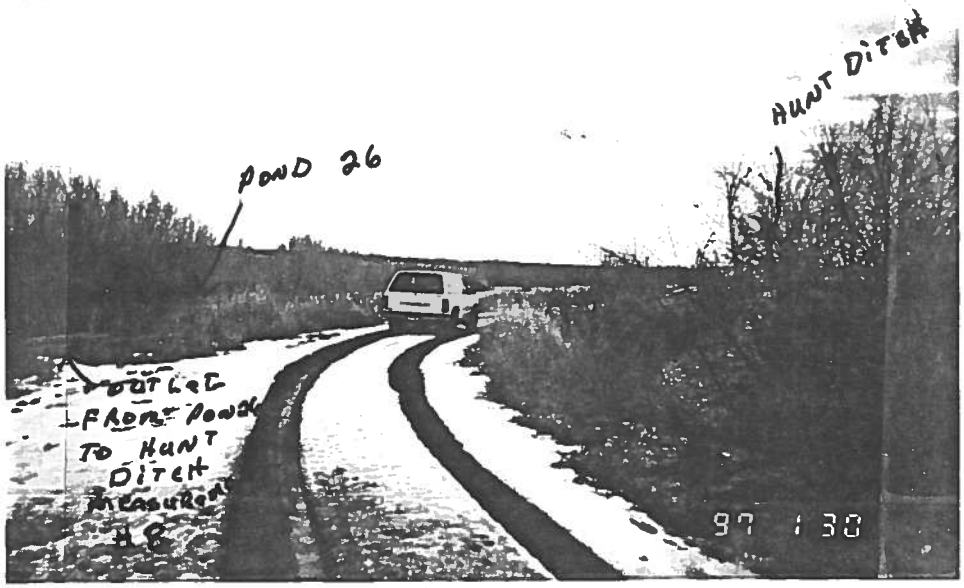
Measurement #10 was taken at the weir at the exit of pond 25.

IN FILM
EXAM
36-08728



DITCH FROM POND 24

This is measurement #9 where the HUNT DITCH EMPTIES INTO POND #26 ~~[illegible]~~ and CO-MINGLES WITH WATER FROM POND 24'S DITCH.



This measurement # B.

This is where the water from M-9 (HUNT DITCH) and Wheatlaby-Curren water (DITCH FROM POND 24) Discharge into the HUNT DITCH.



Measurement #3

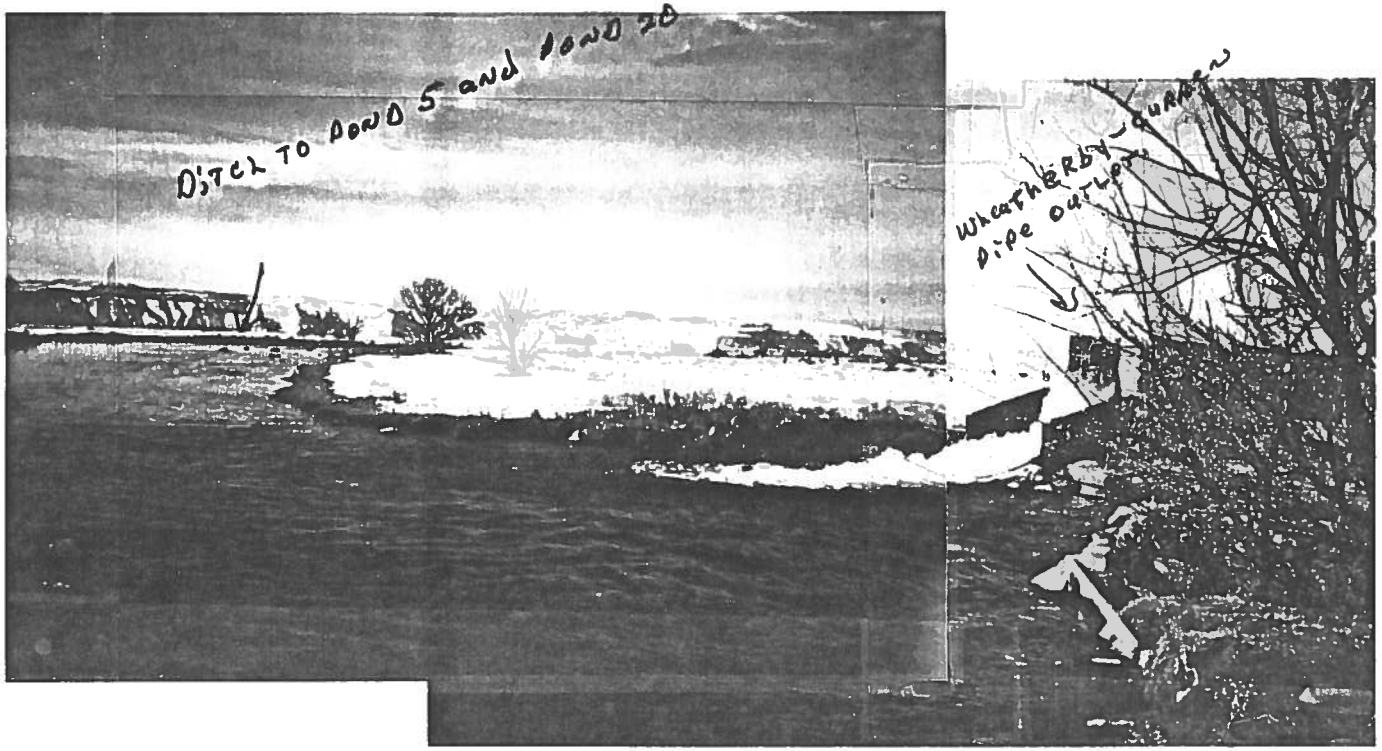
This is the OUTLET FROM POND #39 TO the SNAKE RIVER.

IN Final
Exam
36-08728

ORIGINAL
IN Field
EXAM
36-08728



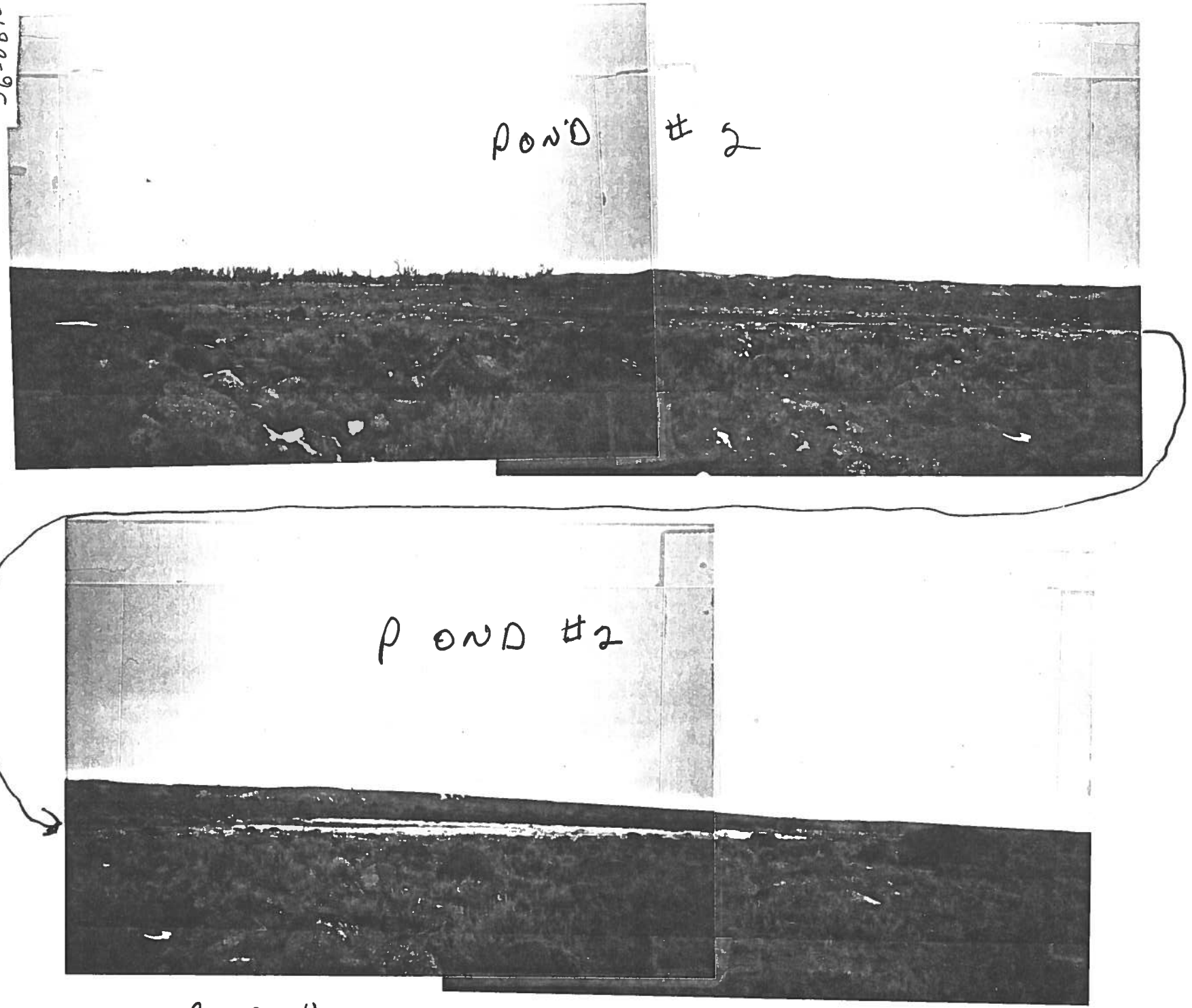
DITCH FROM Wheatherby/CURREN Pipeline OUTLET
TO POND #2



This is the outlet point of the Wheatherby-Curren pipeline. It empties into an open ditch that transports the water to Pond 5 and Pond 20.

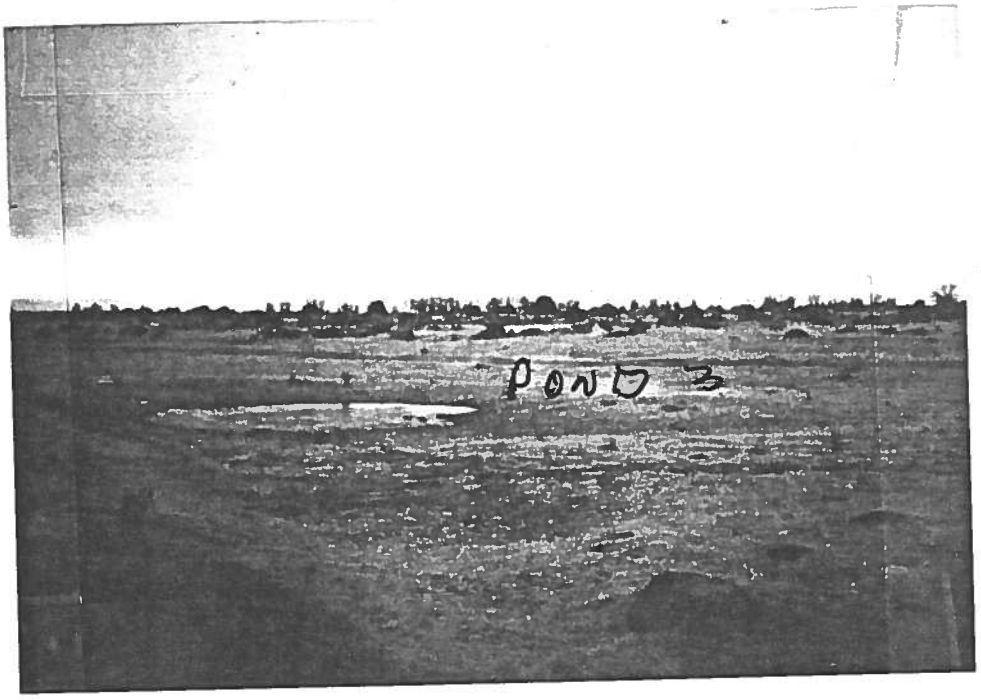
C.R. Spink, Inc.
In Field
Exam
36-08728

ORIGINAL IN FIELD EXAM 36-08728

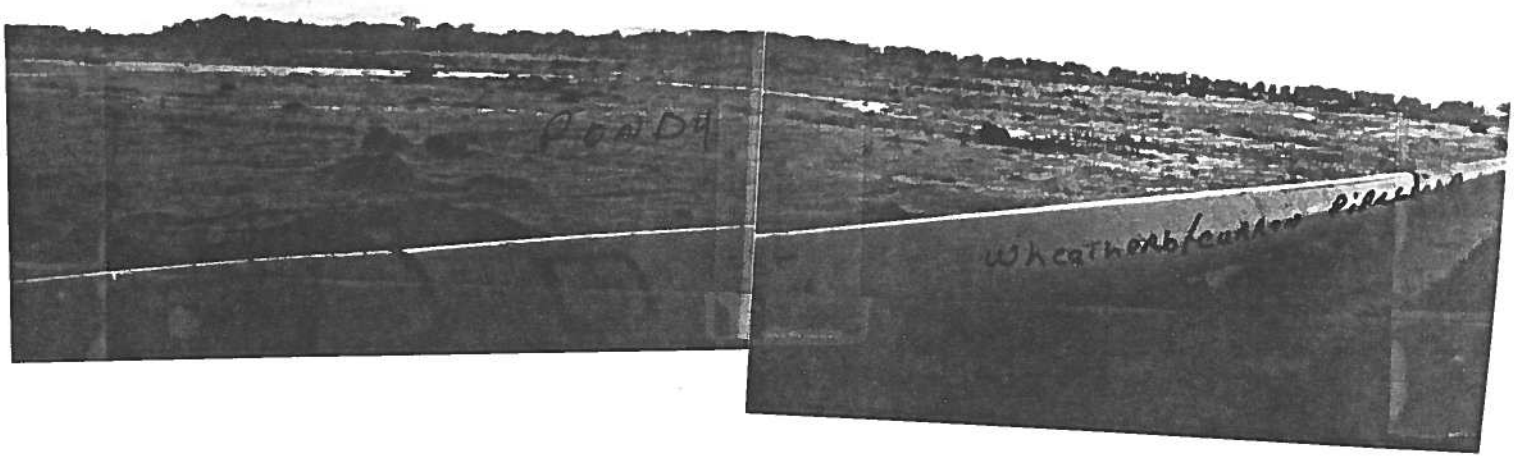


POND #2. They HAD ALREADY BEGUN DRYING IT UP

ORIGINAL
IN Field
Exam
36-08728

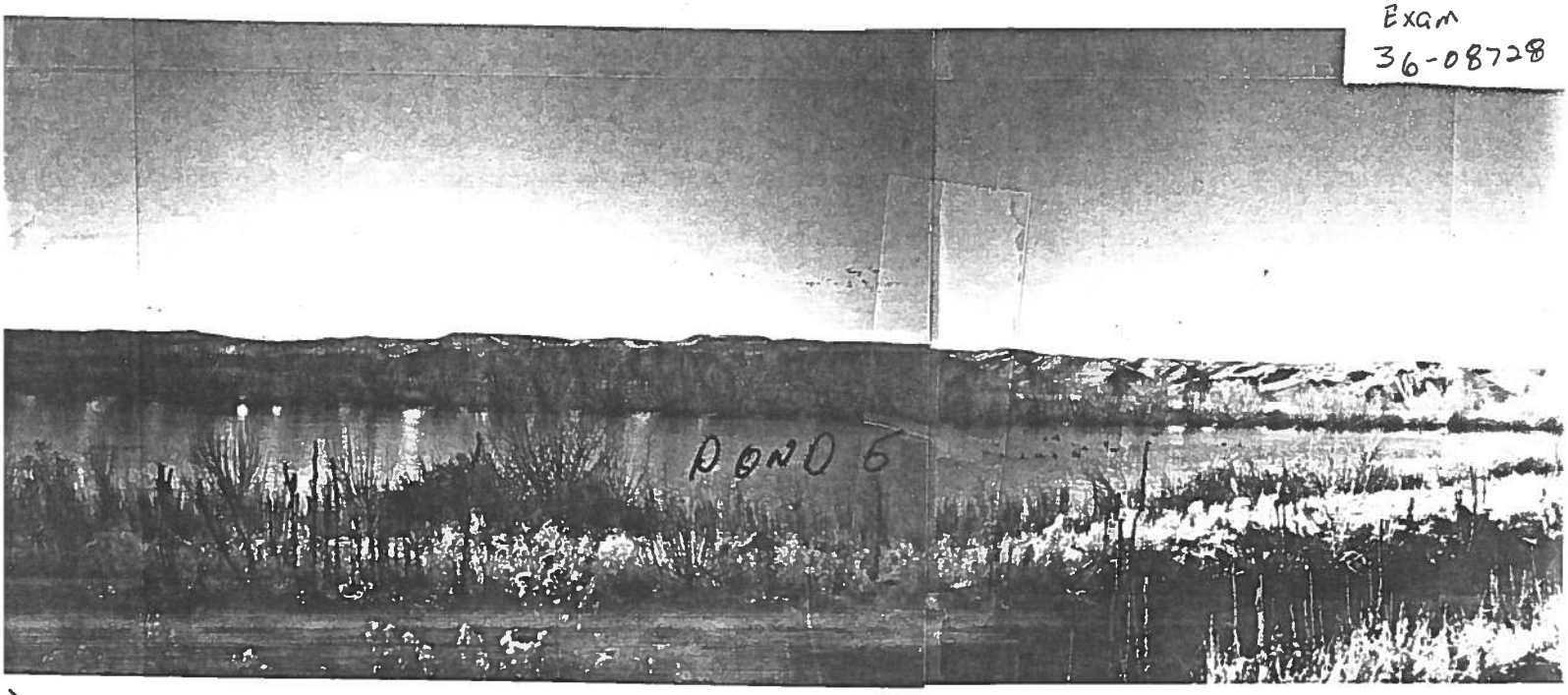


POND #3



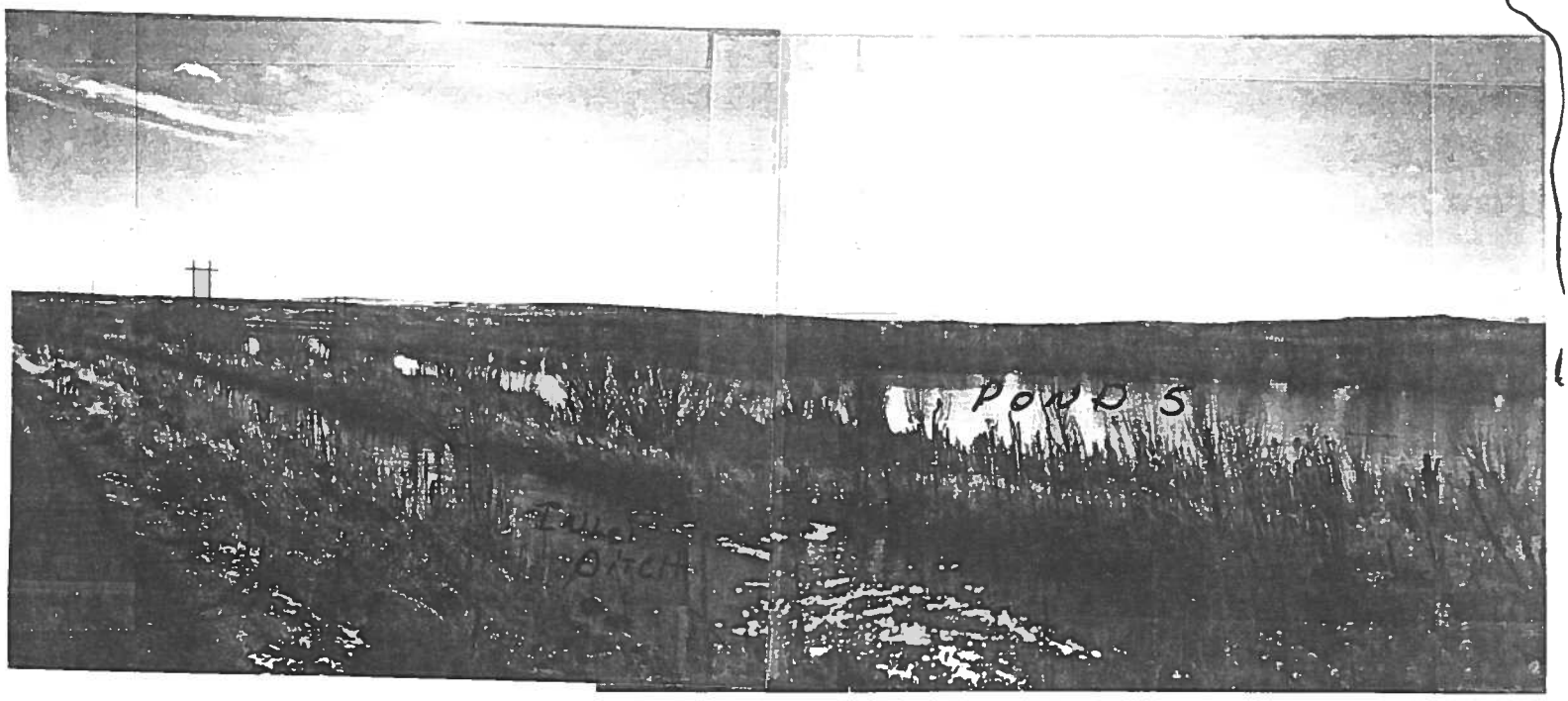
POND #4

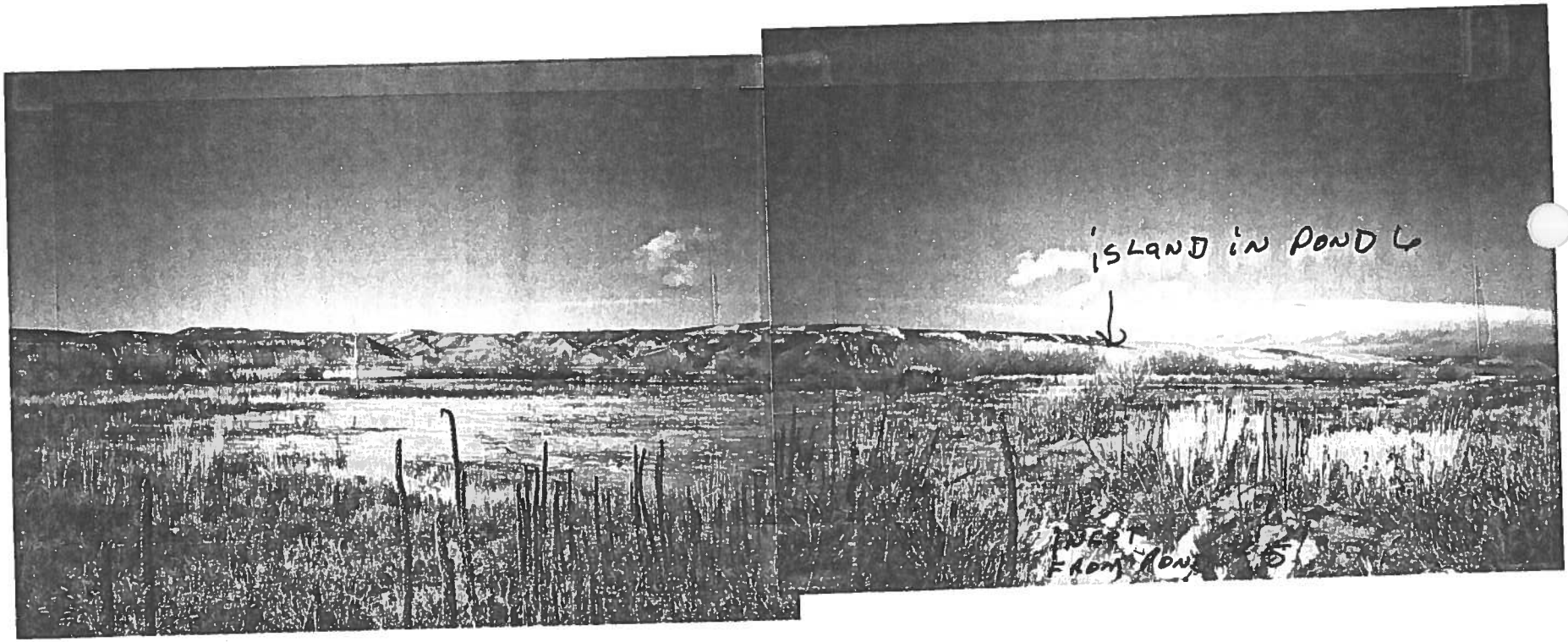
Original
In Field
Exam
36-08728



This is POND 6

Please Notice The INLET DITCH
That ~~comes~~ originates at the outlet
of the Wheatherby/Curran Pipeline

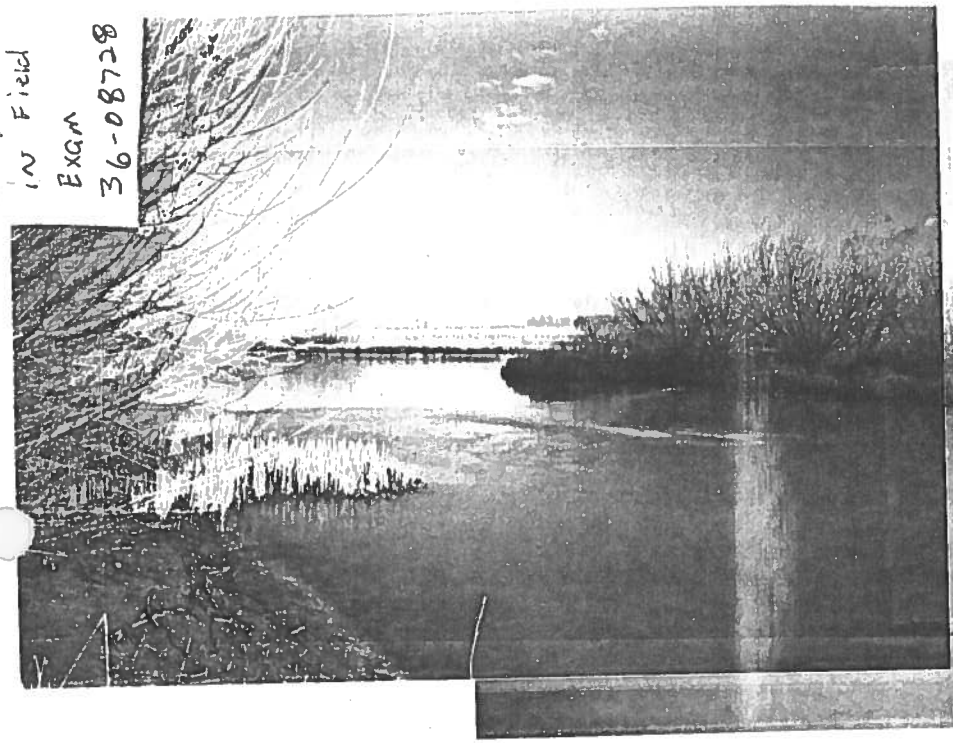


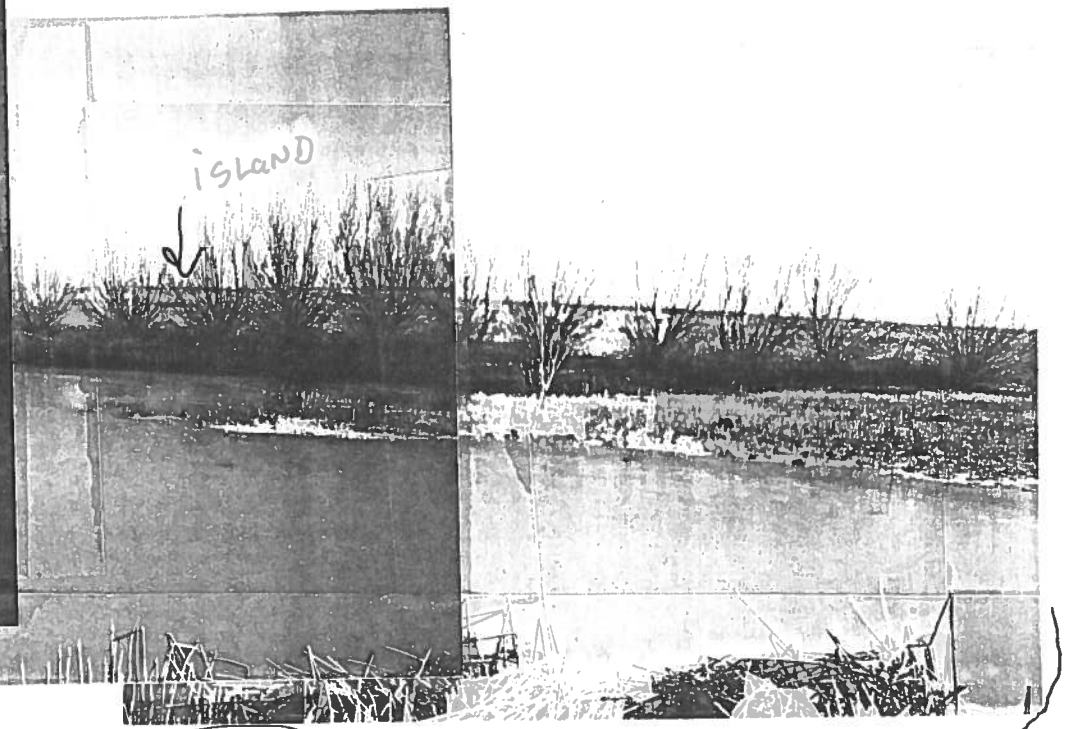


This is The East side of Pond #6

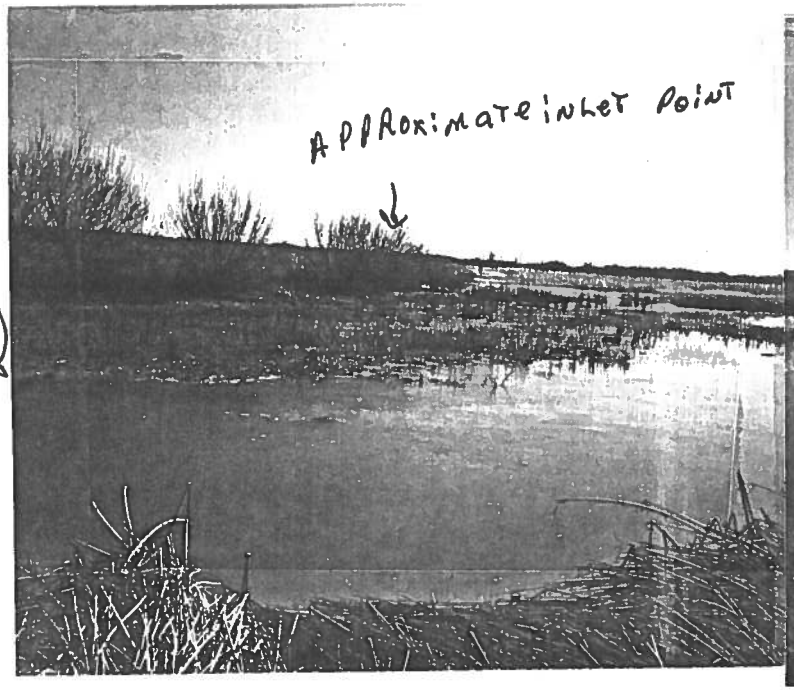
IN Final
Exam
36-08728

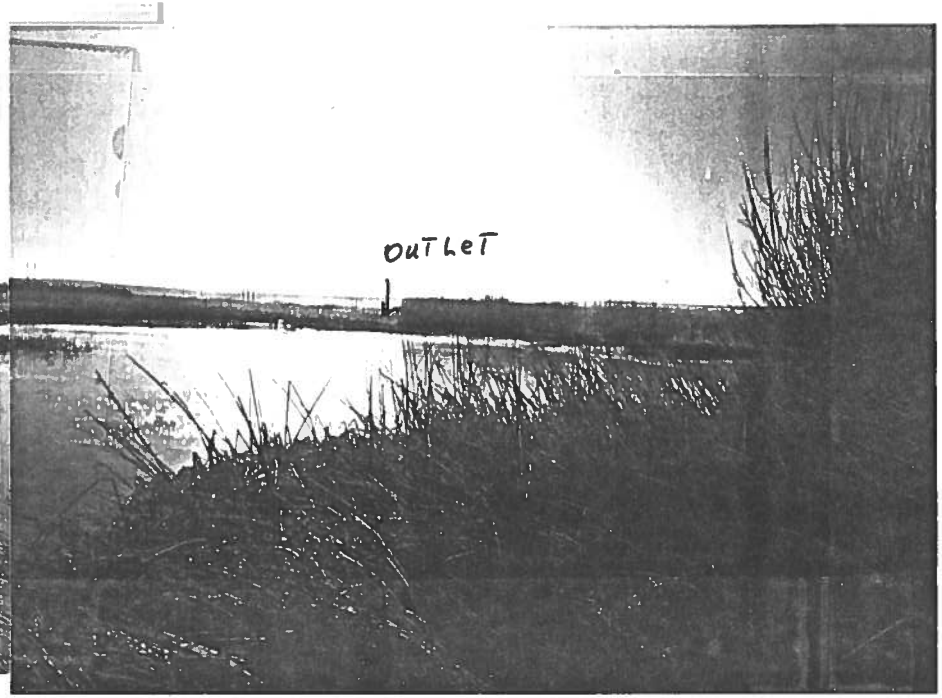
ORIGINAL IN Field Exam 36-08728



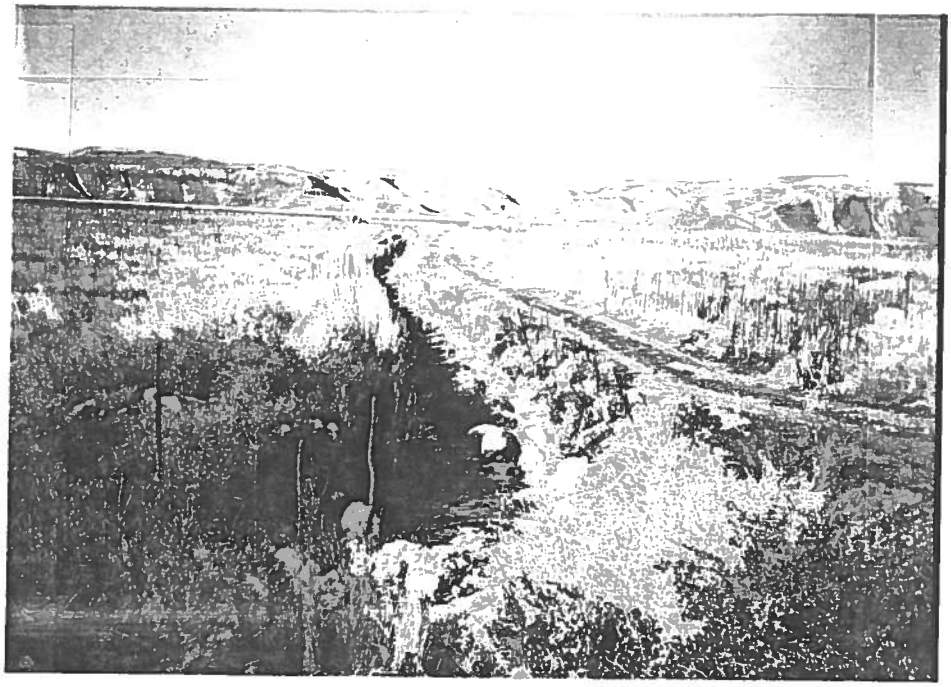


This is The West side OF Pond 6.





Original
In Field
Exam
36-08728

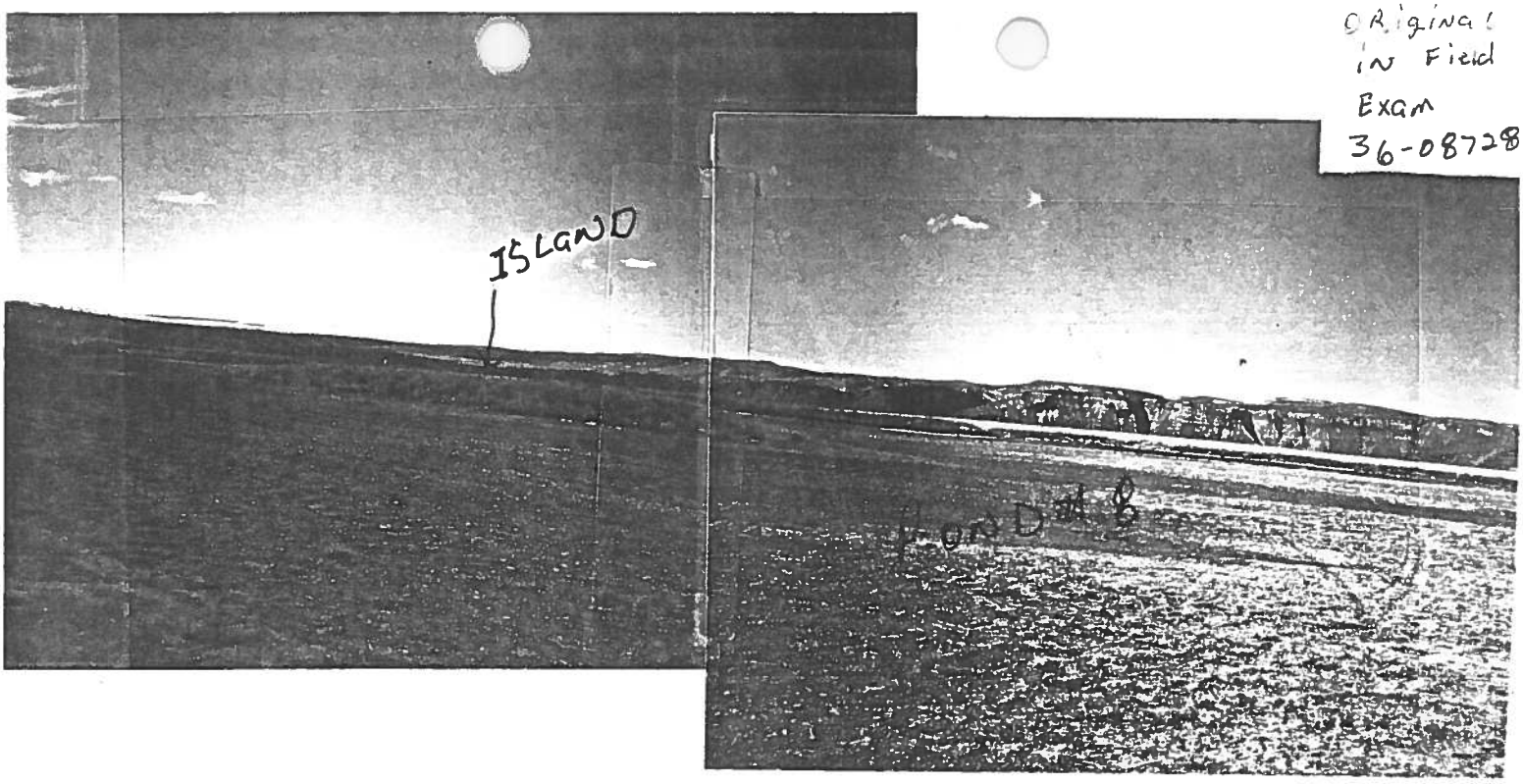


DITCH FROM POND #6 TO
POND # 7

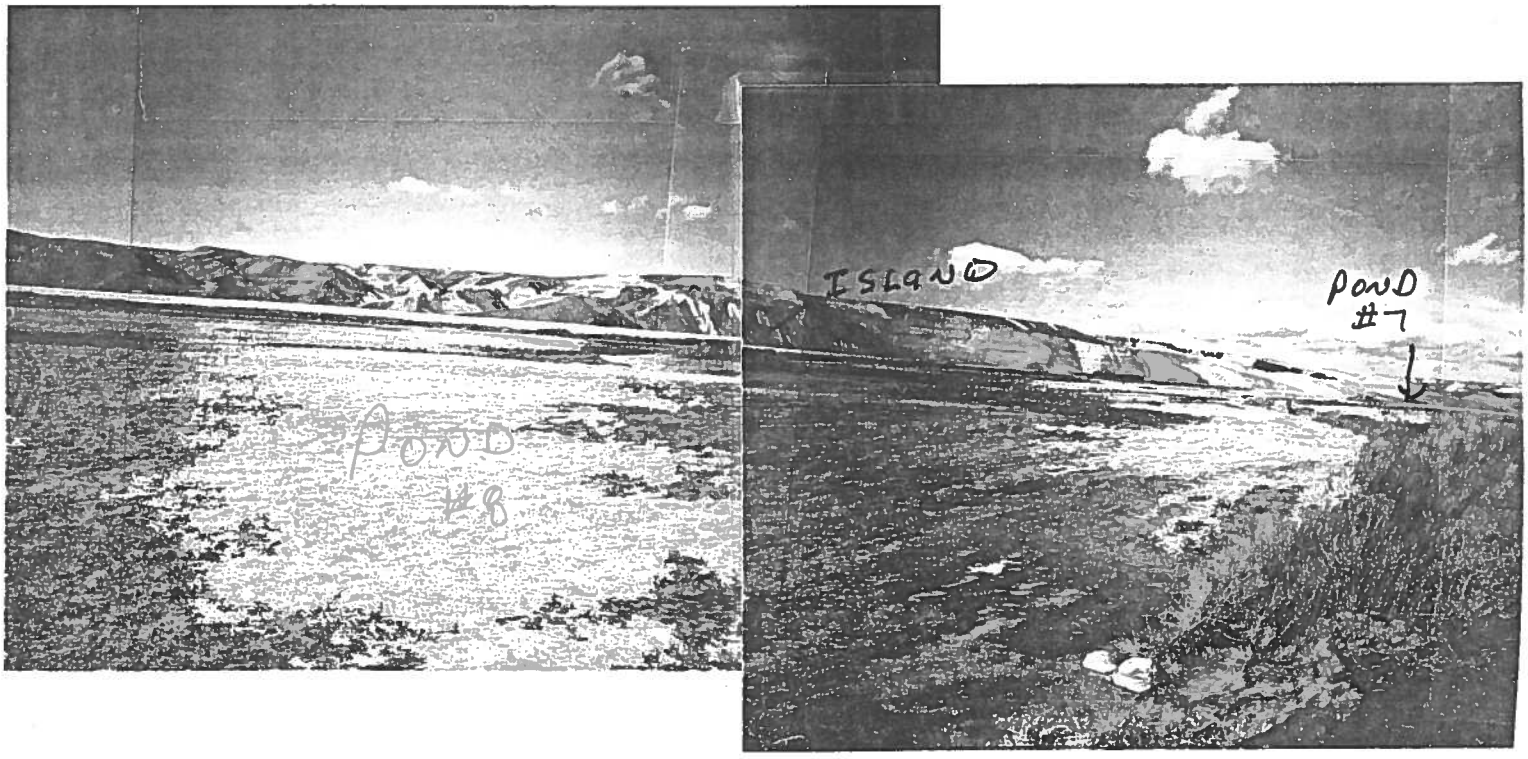


POND #7

Original
In Field
Exam
36-08728

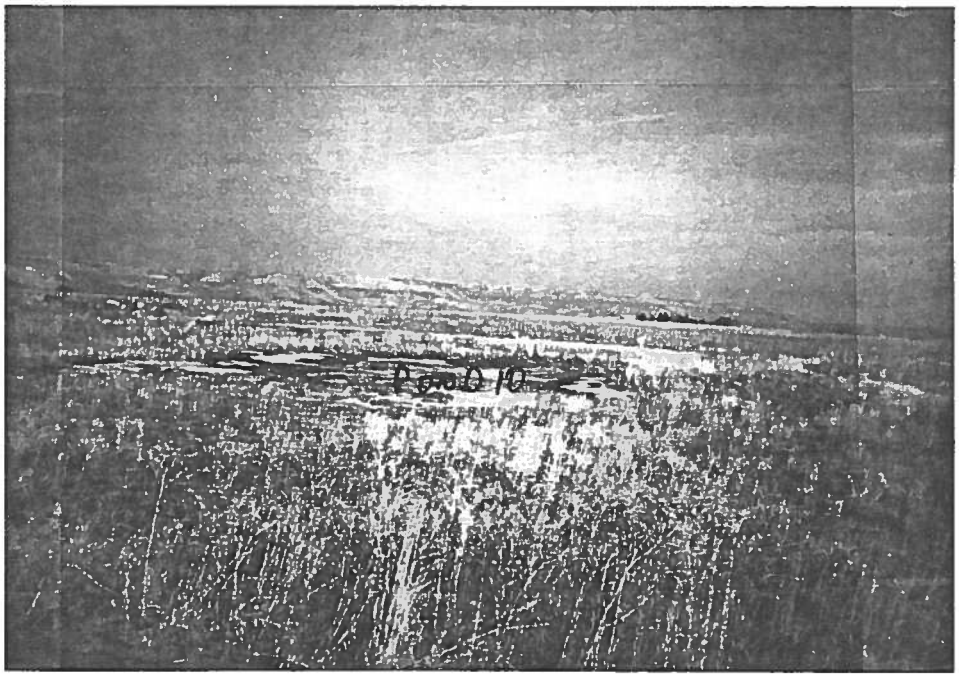


POND #8





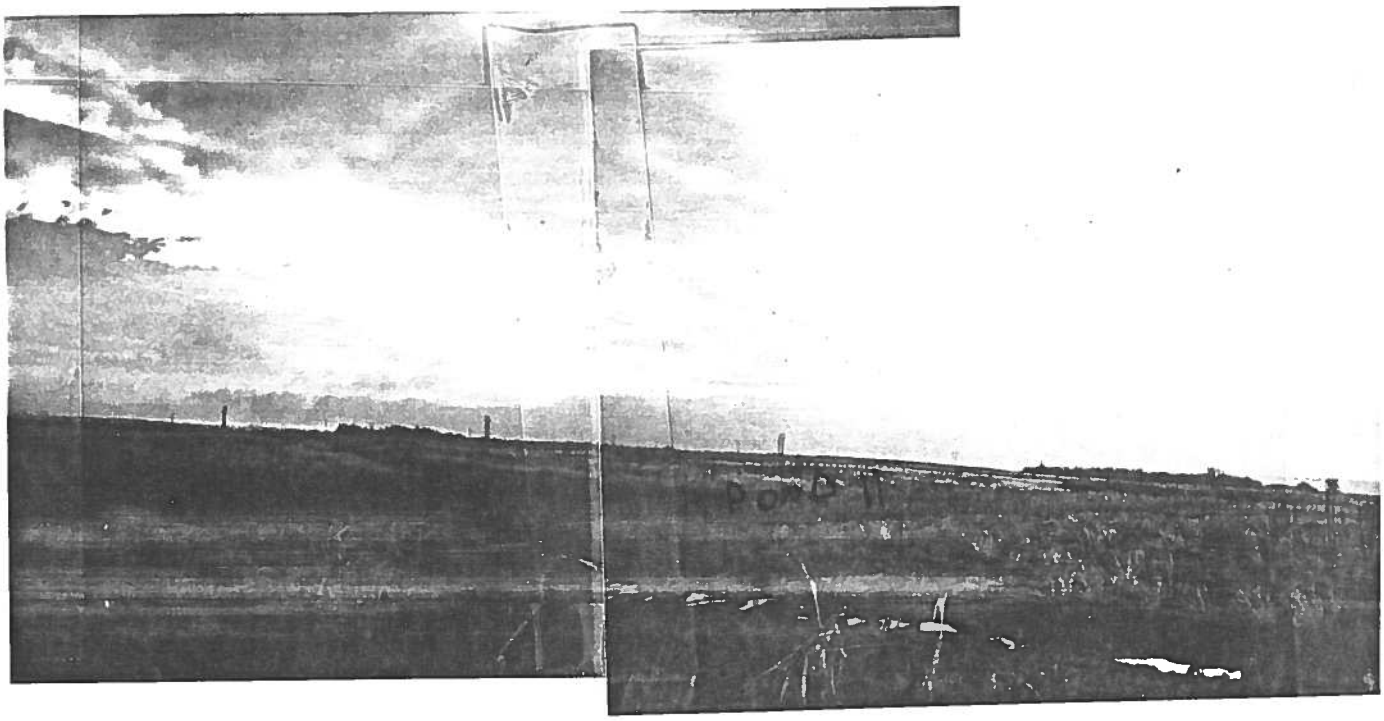
POND #9



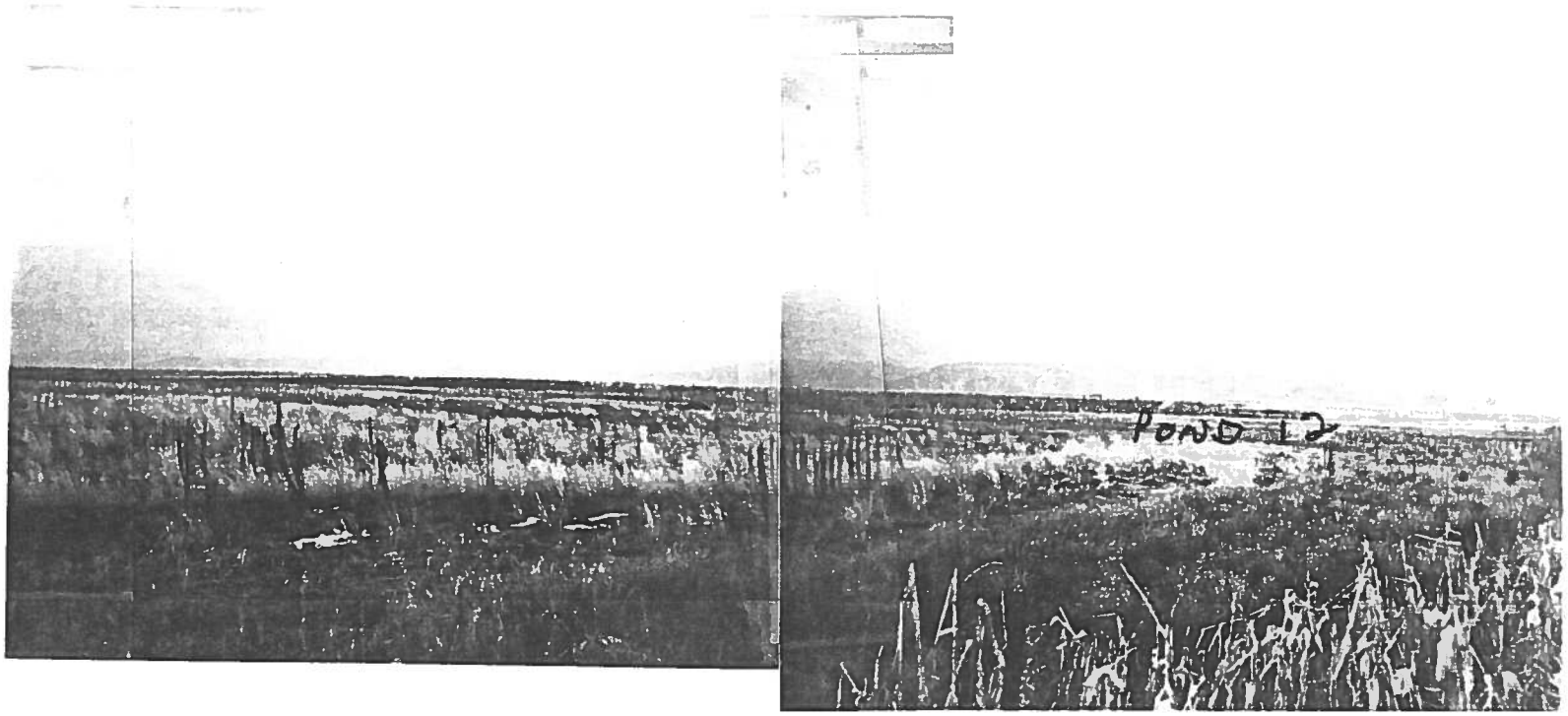
POND #10

Exam
In Field
36-0873B

Original
In Field
Exam
36-08728

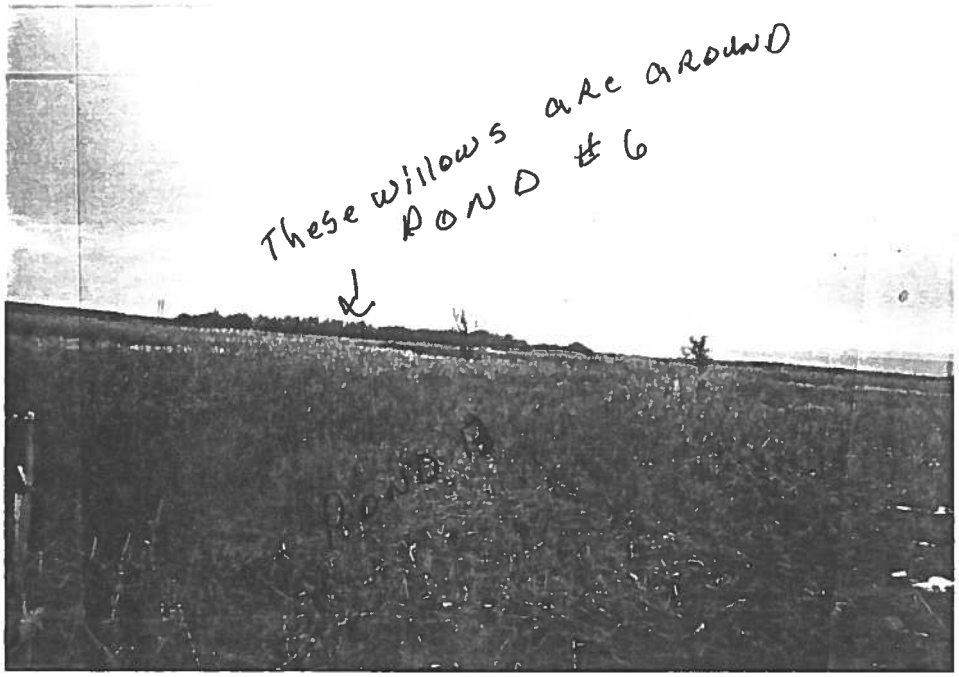


POND #11



POND #12

Original
In Field
Exam
36-08728

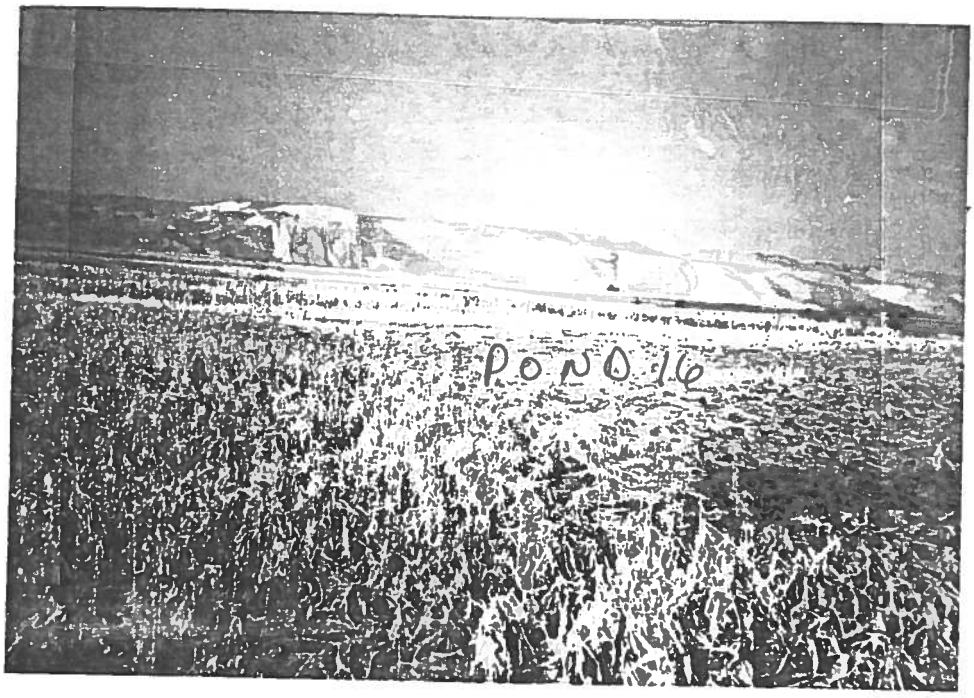


POND 13



POND 15

Original
In Field
Exam
36-08728

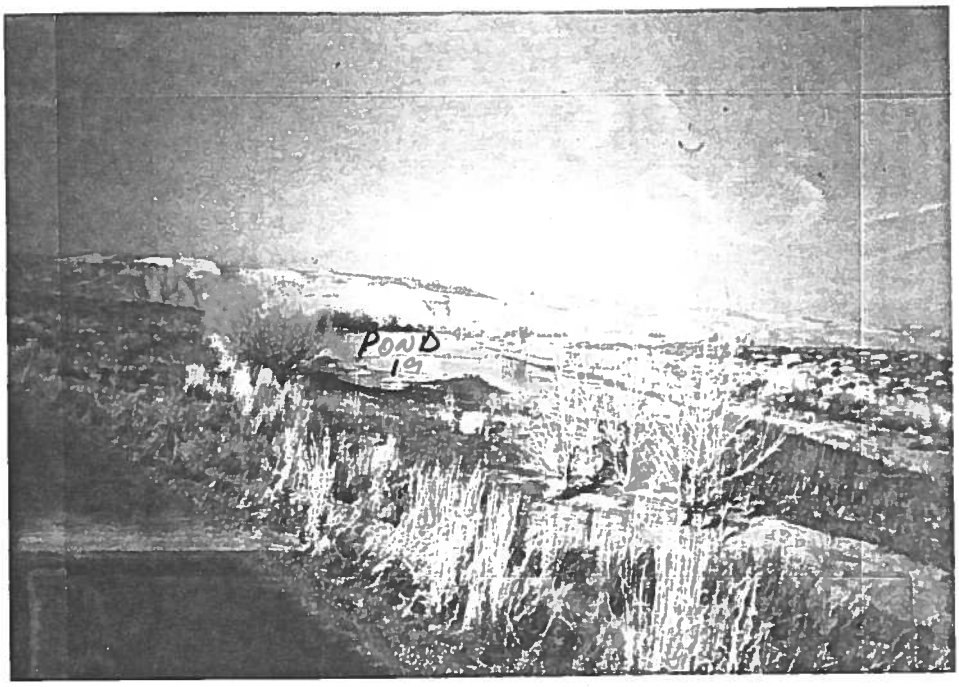


POND 16

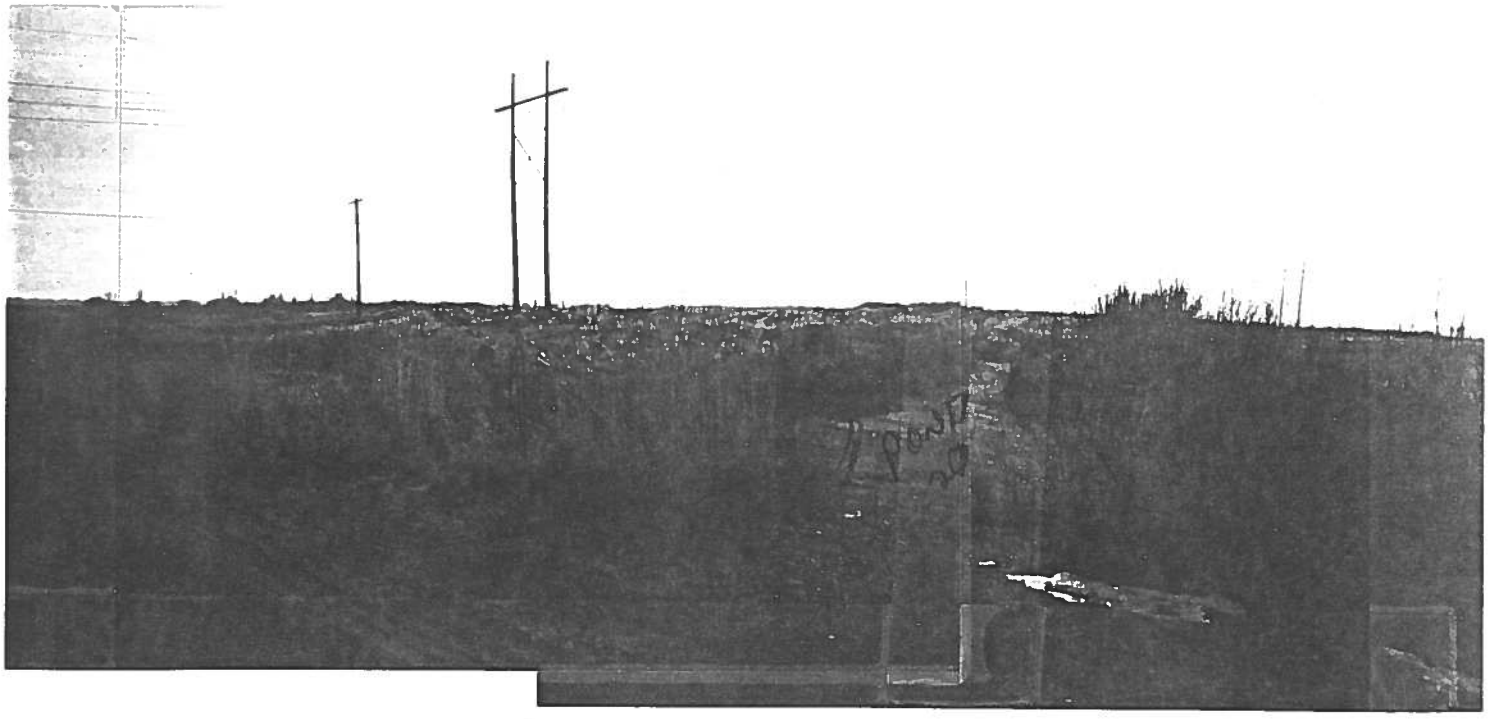


POND 17

RIGINAL
IN Field
Exam
36-08728



POND #19



POND #20

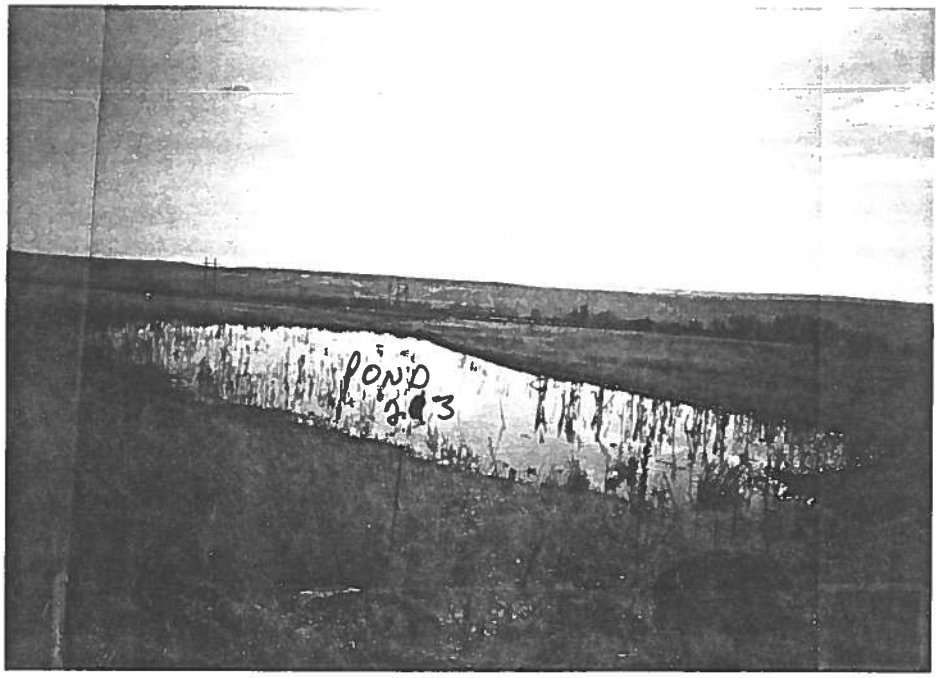
POND 22

K. Bruno
IN Field
Exam
36-08728

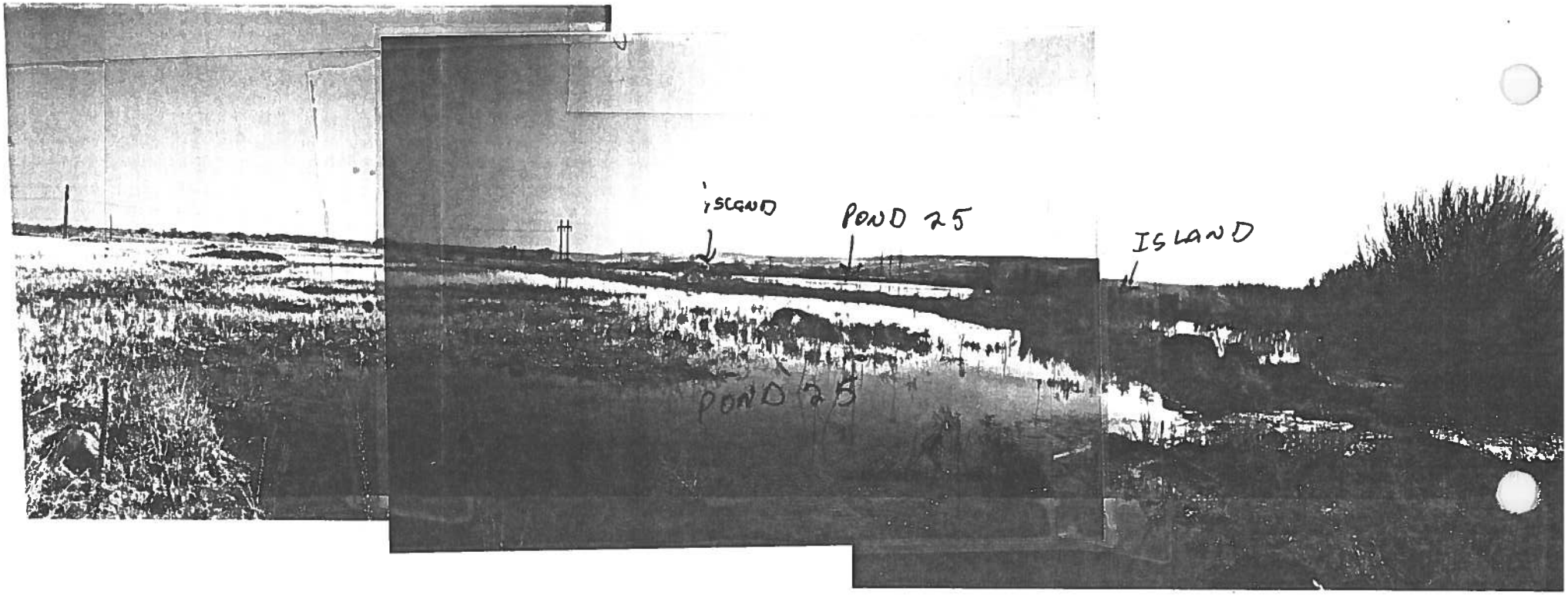
ORIGINAL IN Field Exam 36-08728



POND 24



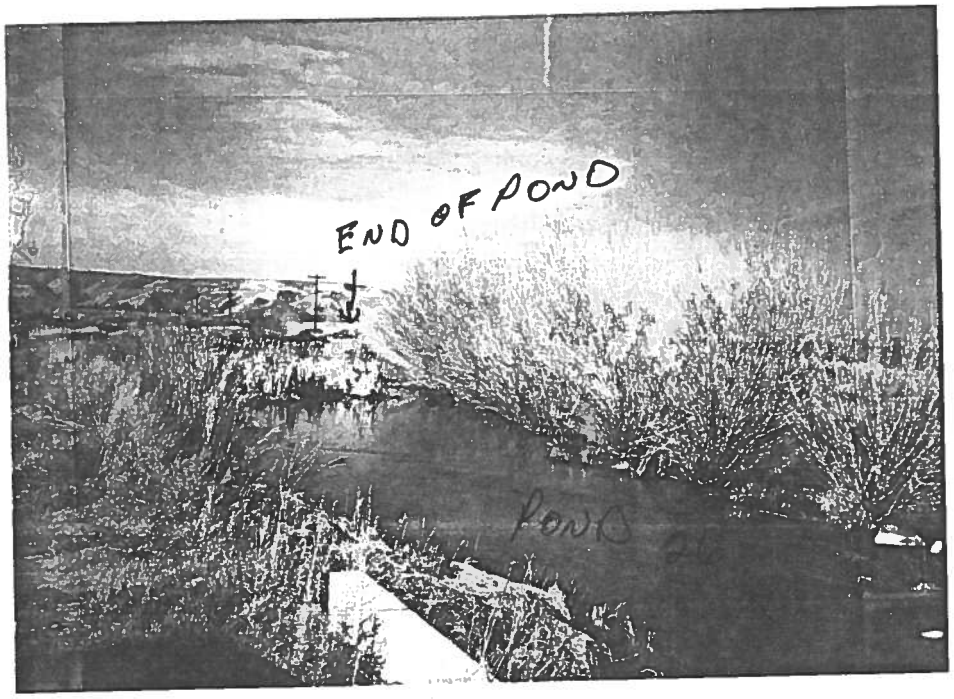
POND 23



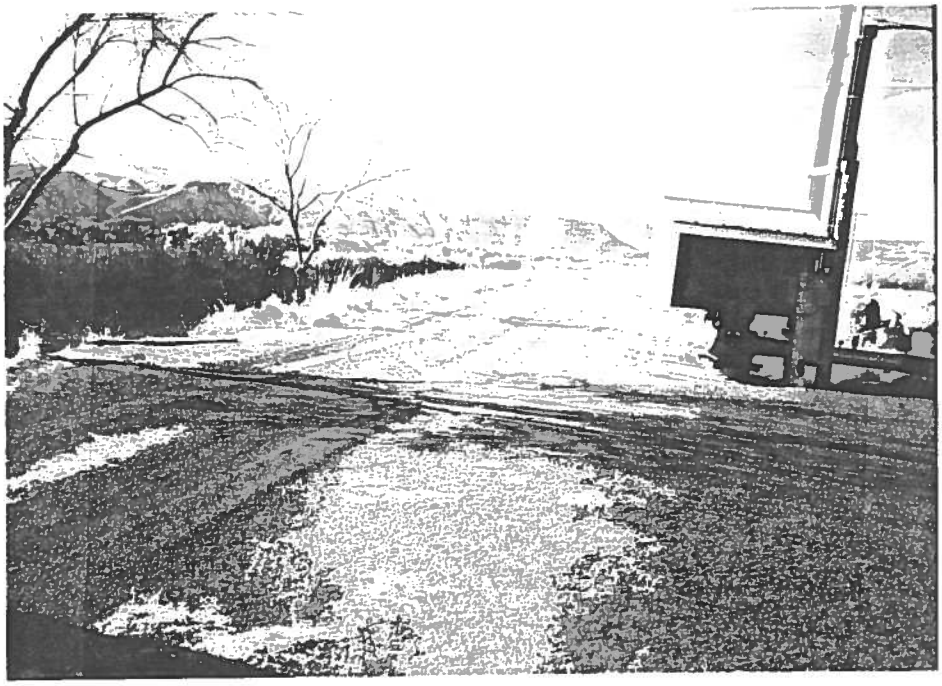
POND 25

C.R. Zinc
IN Field
Exam
36-08728

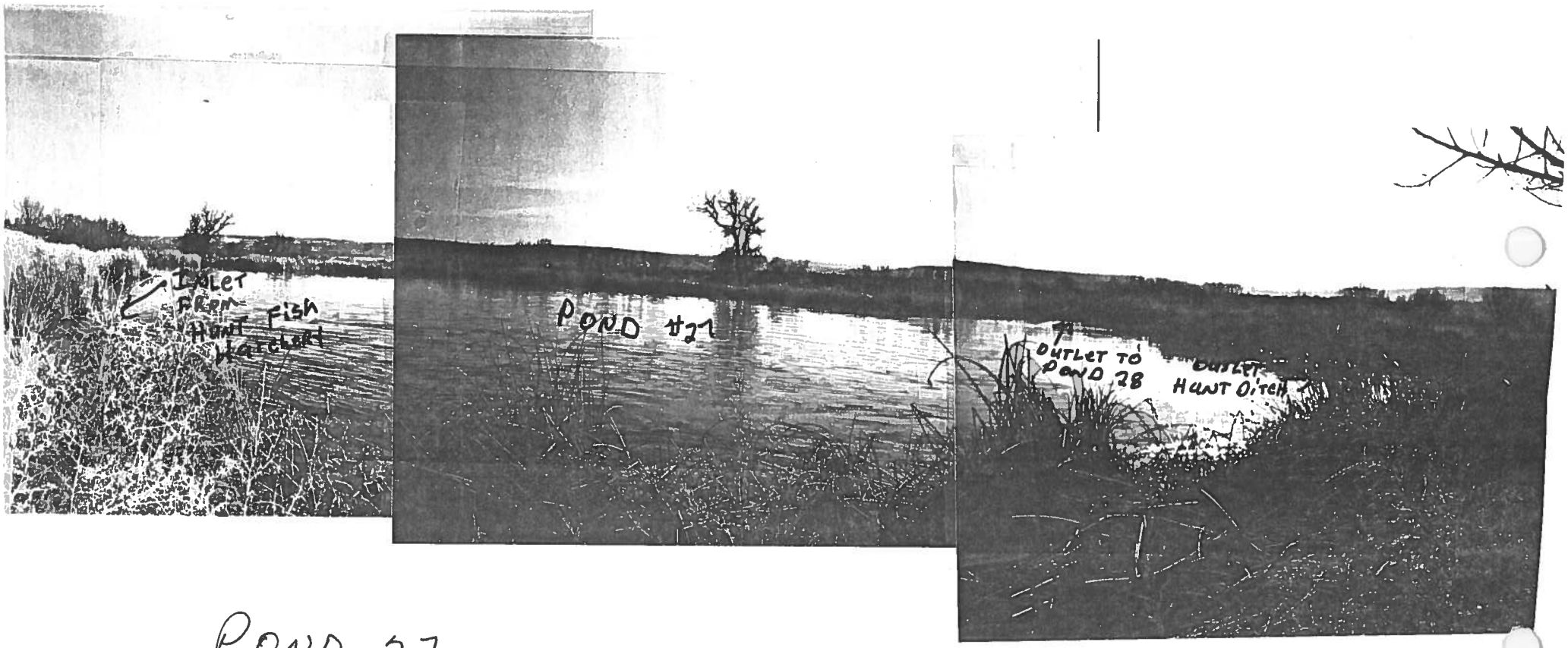
ORIGINAL
IN Field
EXAM
36-08728



POND 26



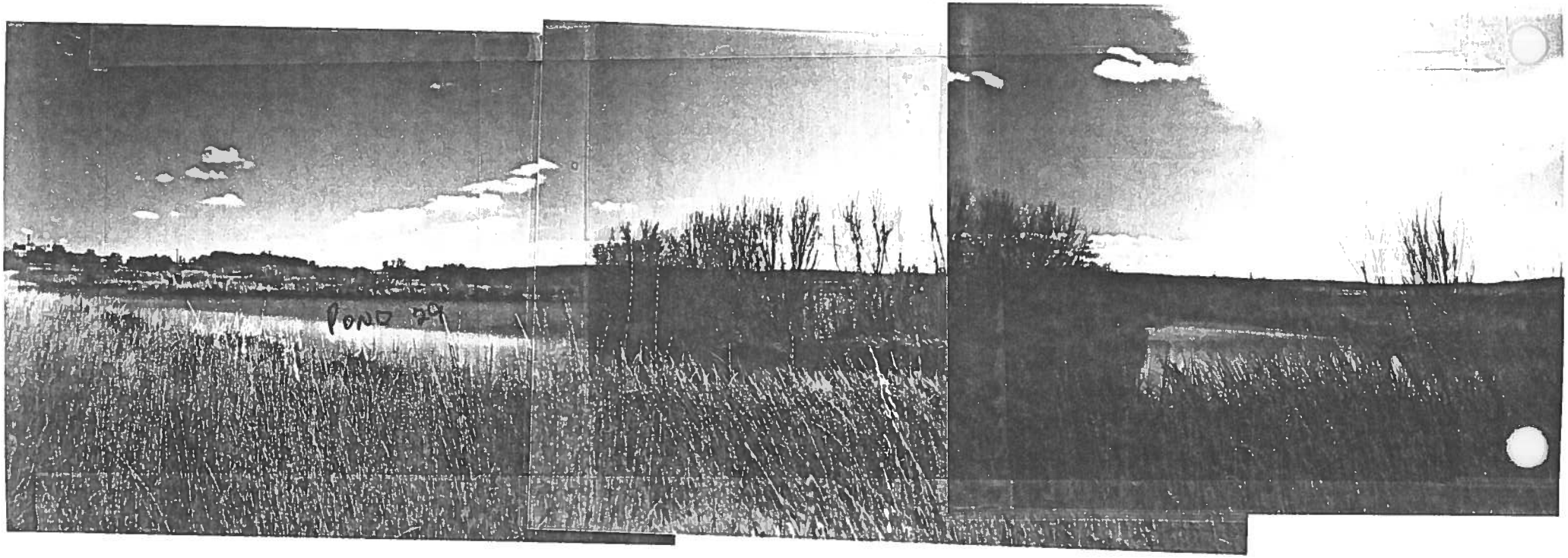
HUNT DITCH IRRIGATION PUMP



POND 27

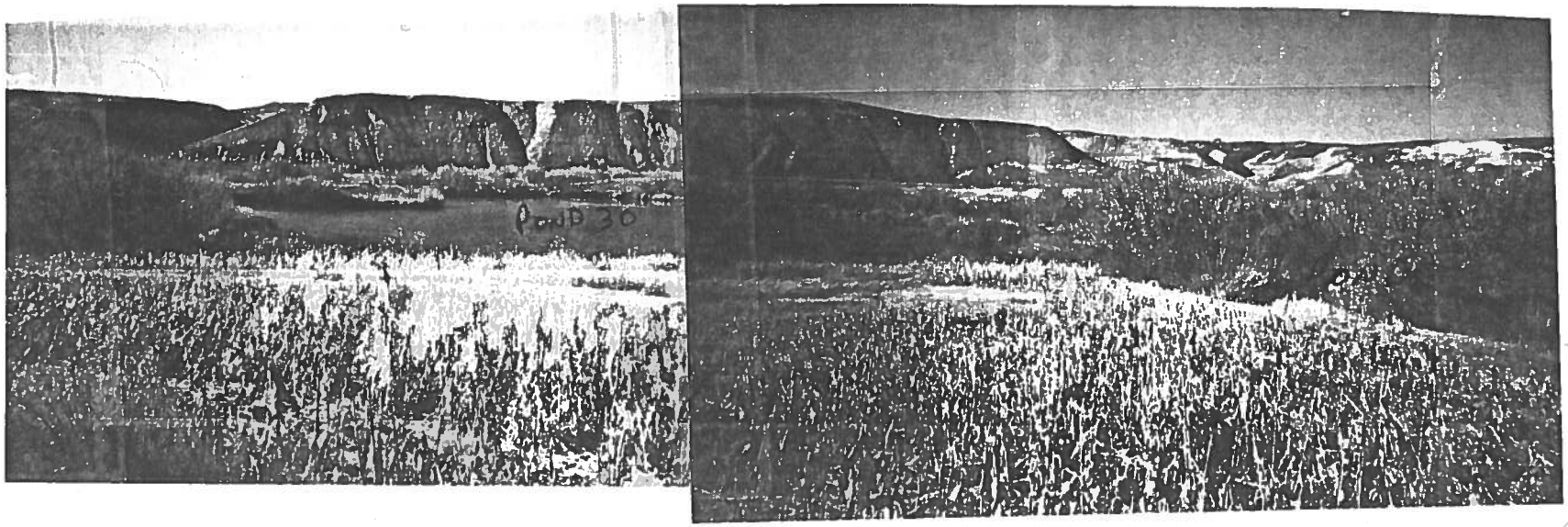
The OUTLET OF The HUNT FISH HATCHERY RUNS INTO POND 27 (SHOWN) FROM POND 27 The WATER CAN EXIT INTO POND 28 AND OUT TO HUNT DITCH, WHICH CONTINUES ON TO HUNT/BUCKEYE FISH HATCHERY

RIGINAL IN Field Exam 36-08728

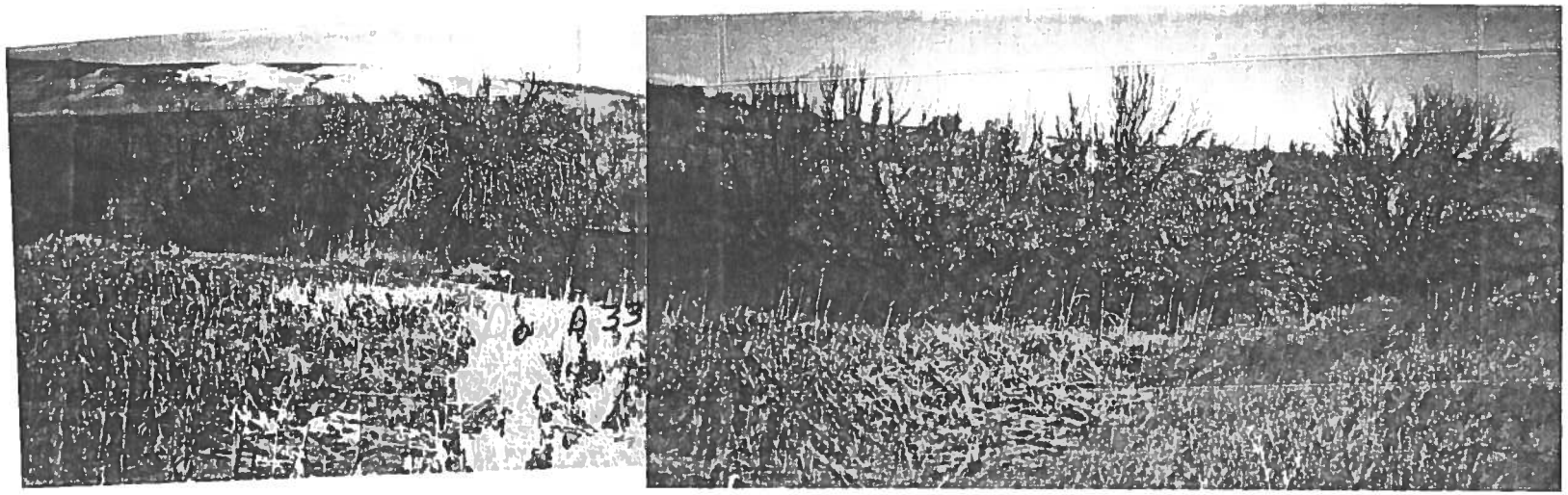


POND #29

ORIGINAL IN FIELD EXAM 36-08728

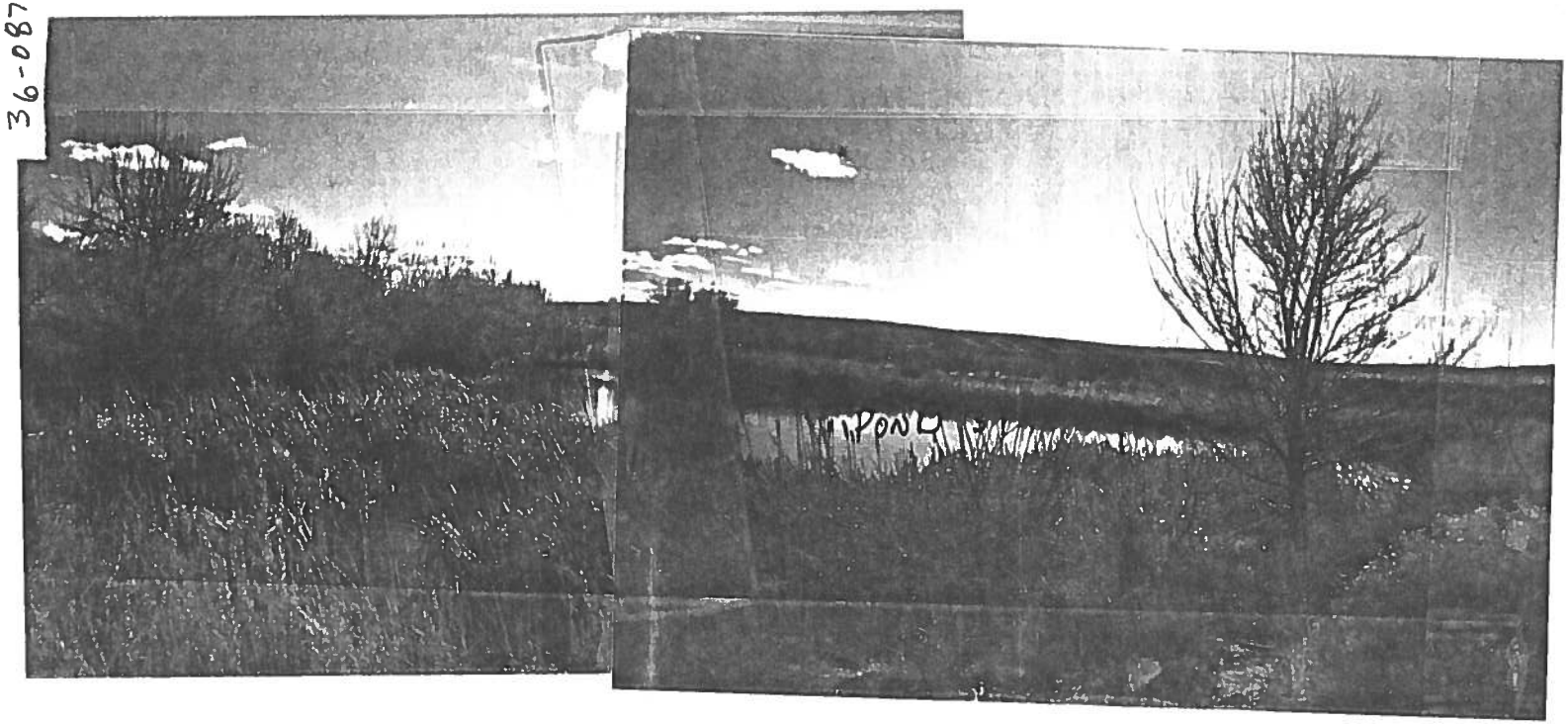


POND 30 : 33

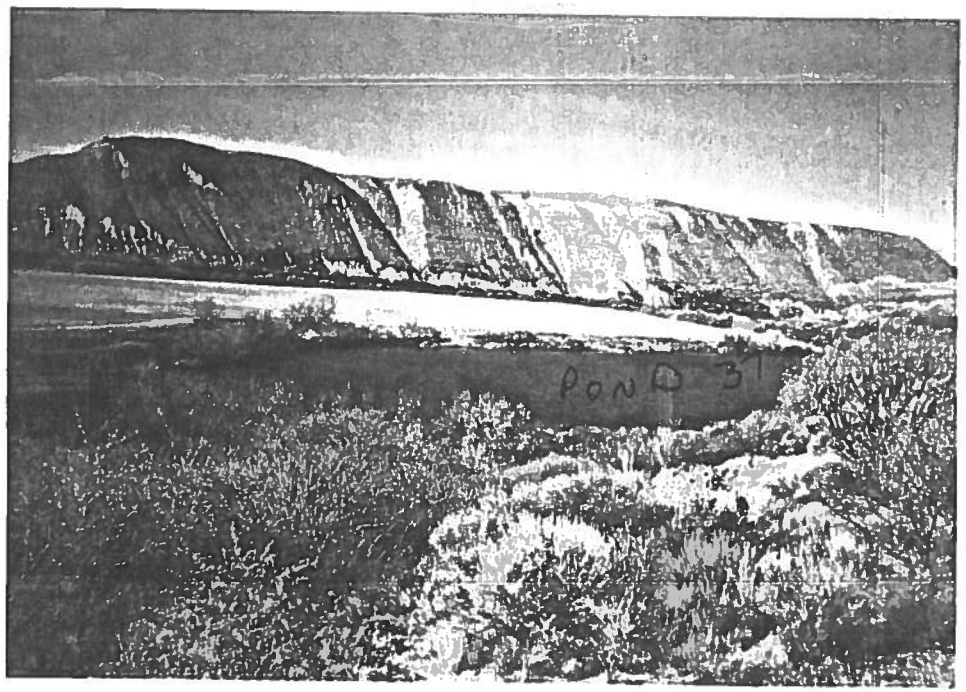


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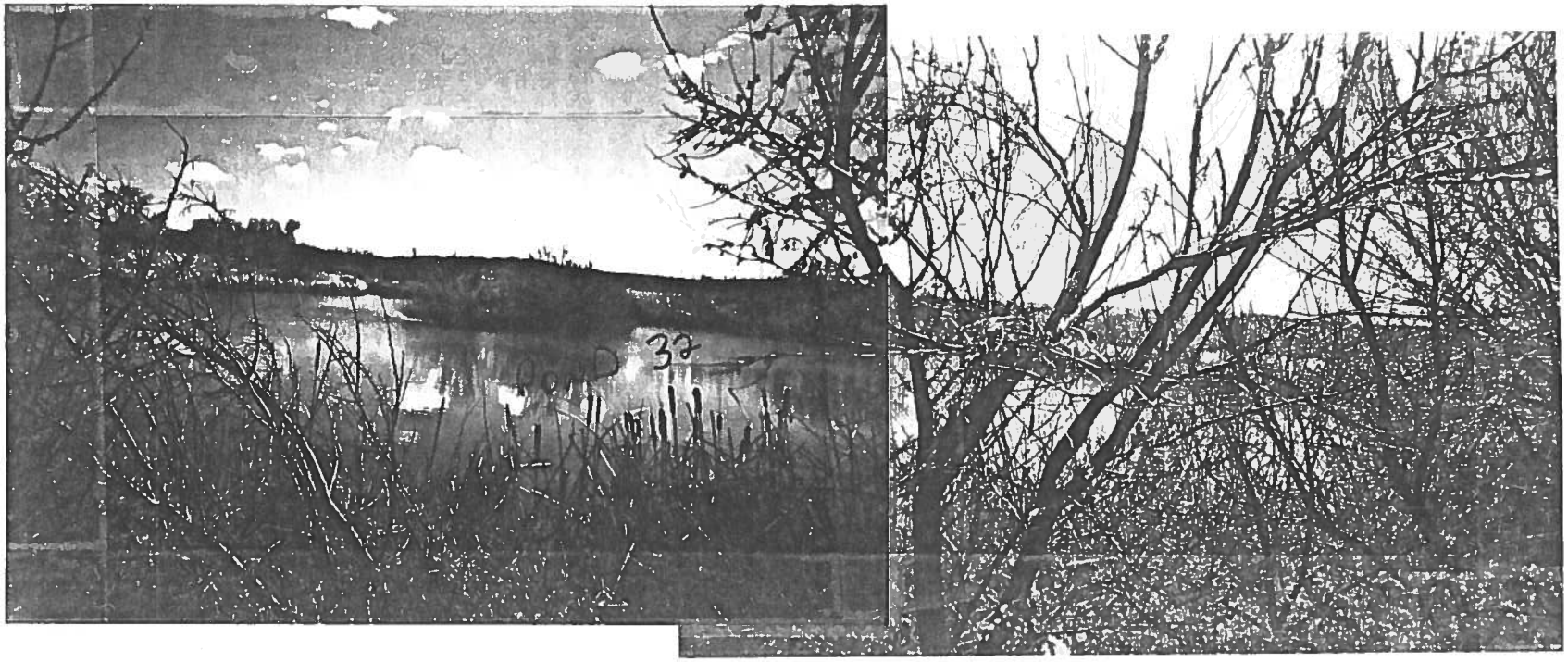
ORIGINAL IN FIELD EXAM 36-08728



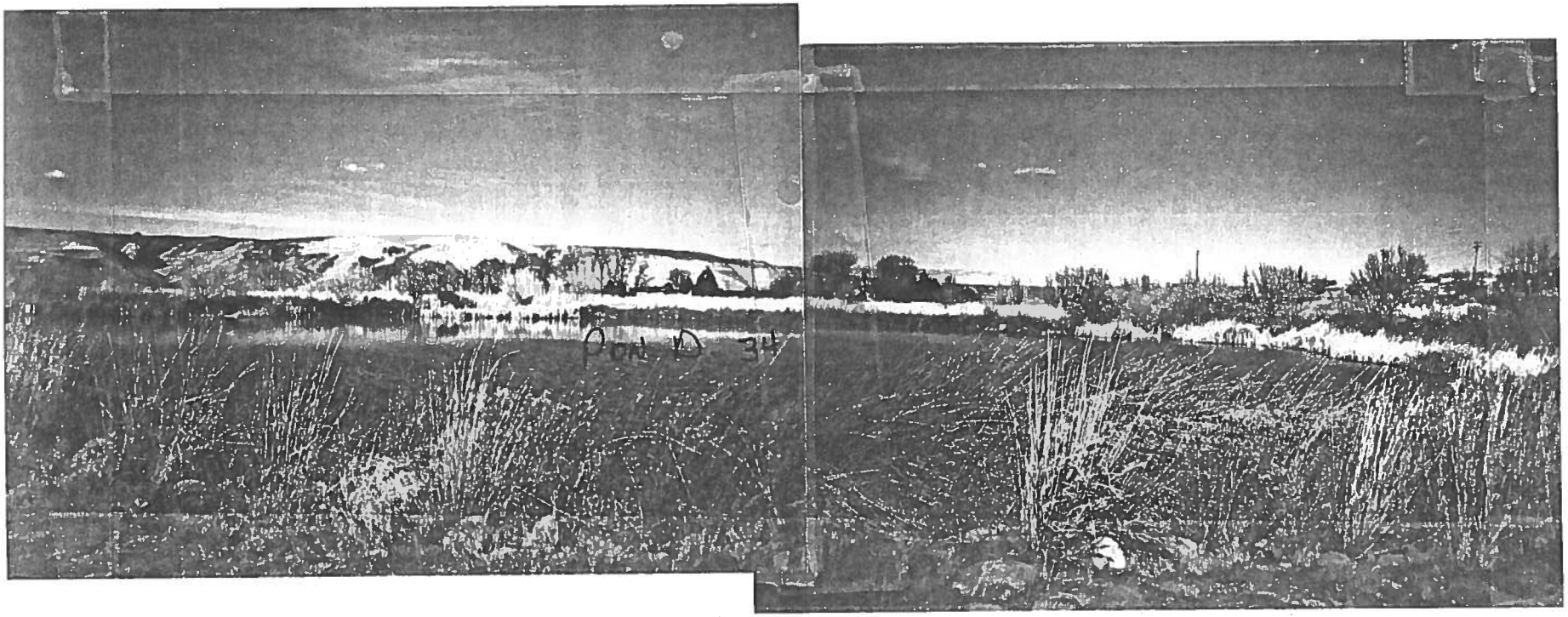
POND 31



POND 37



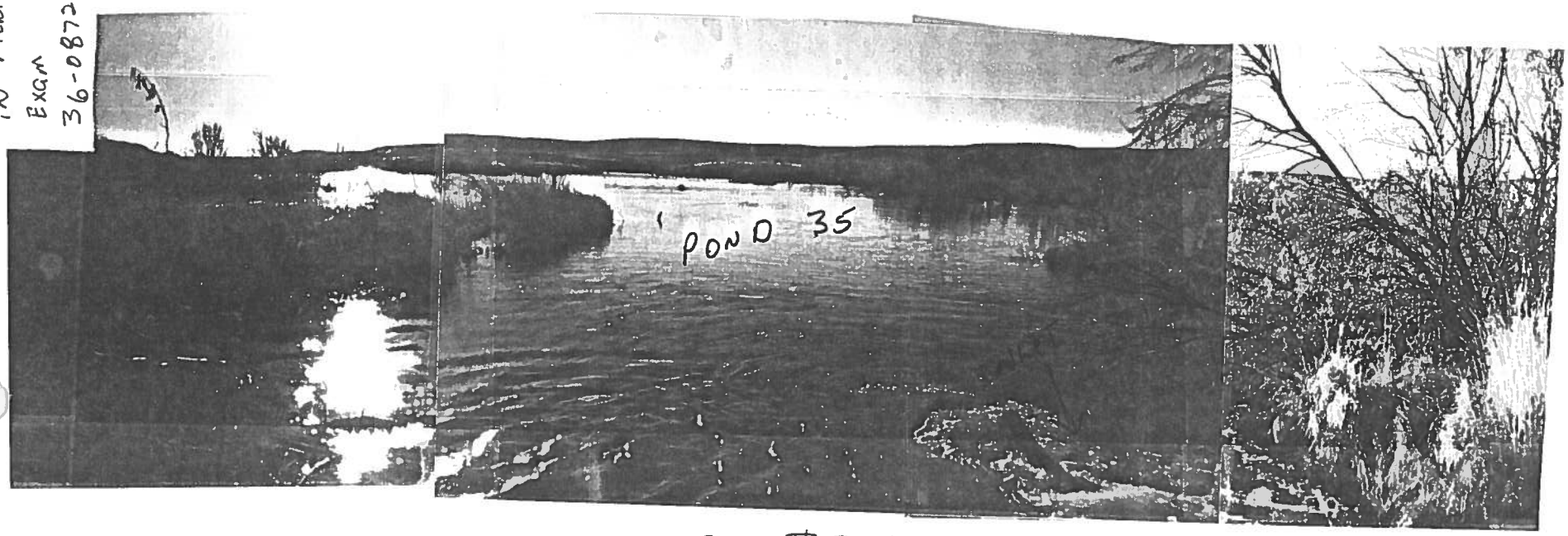
POND
32



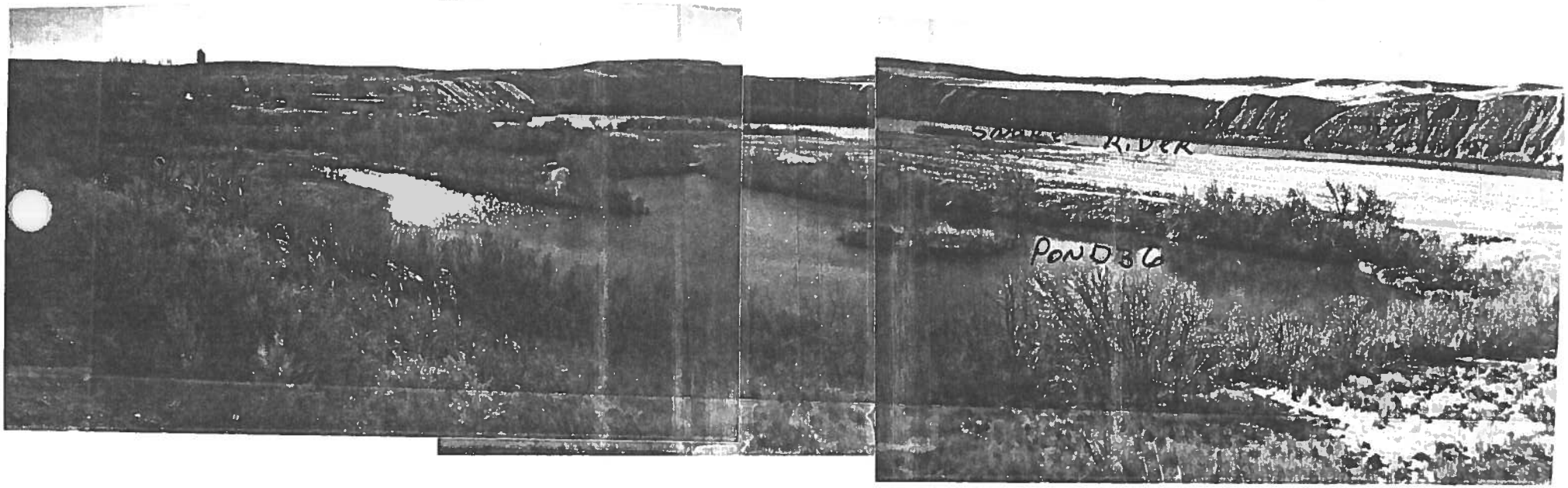
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34

ORIGINAL
IN FILE
EXAM
36-08728

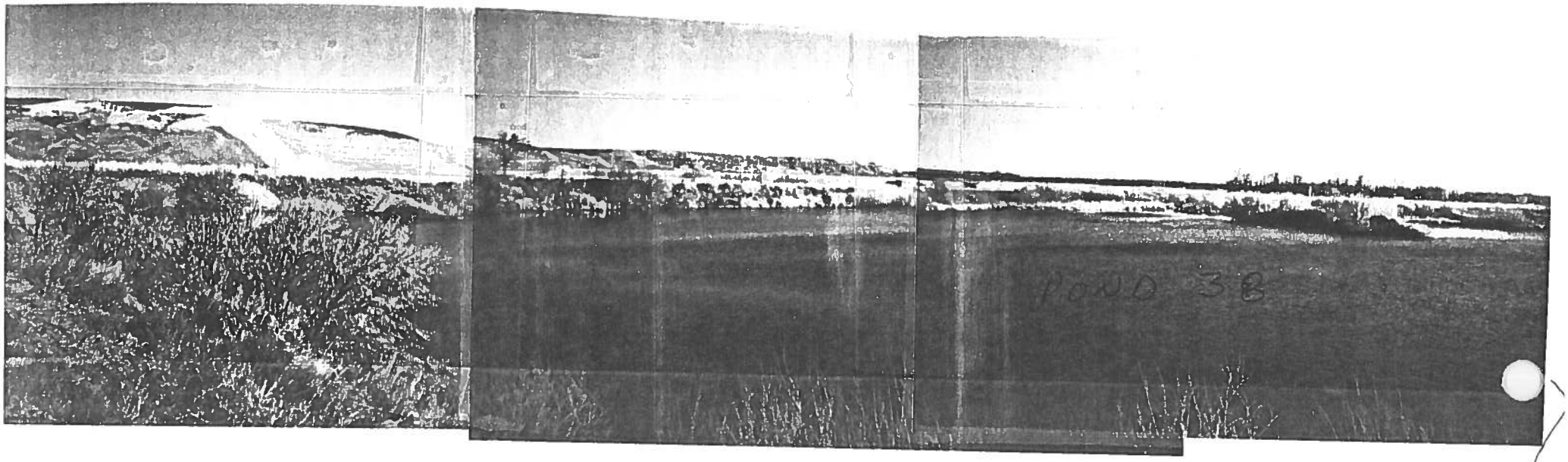
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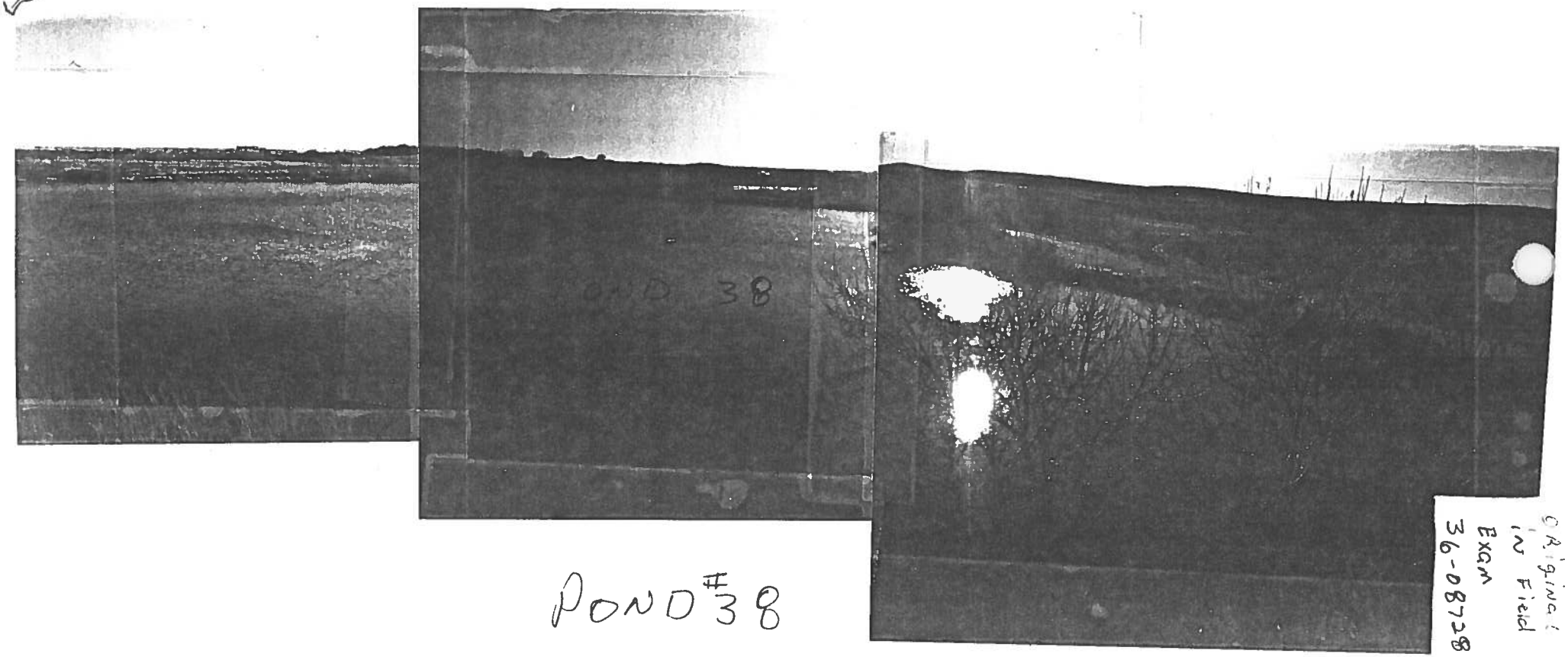


POND #35



POND 36





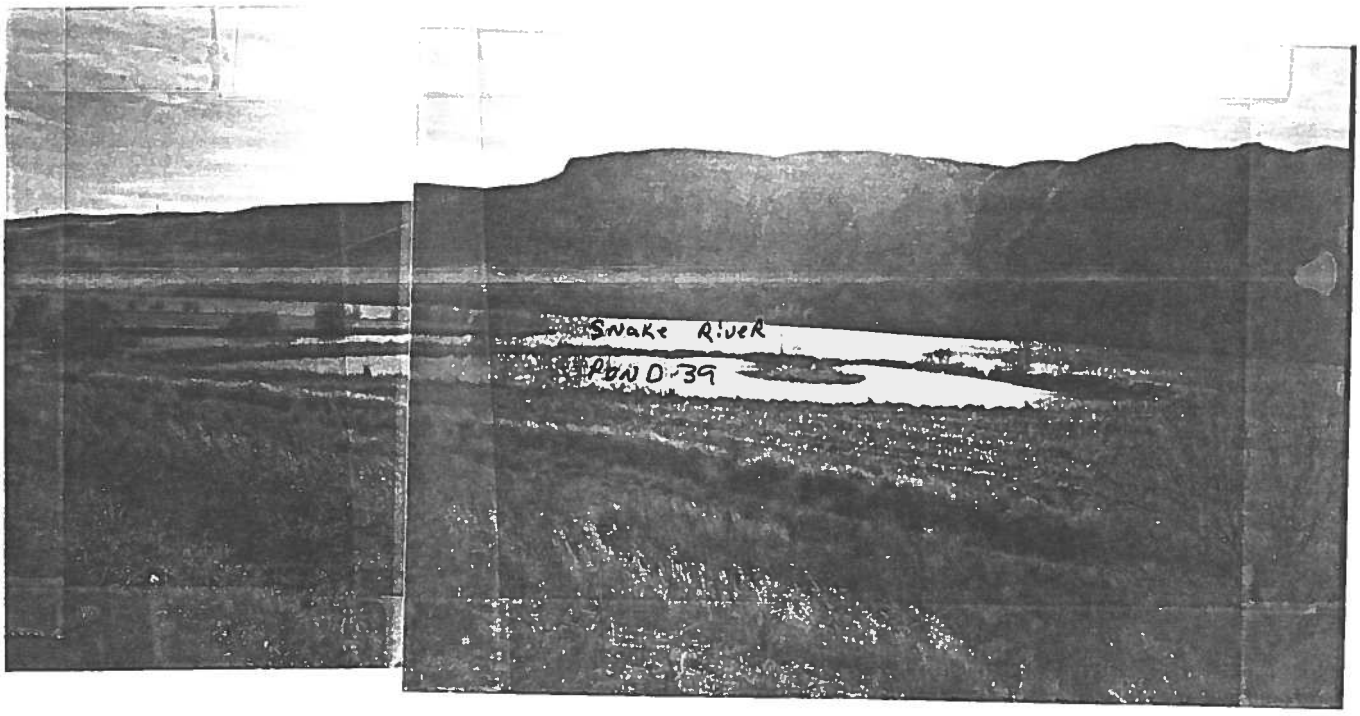
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ORIGINAL IN FIELD EXAM 36-08728

ORIGINAL IN Field Exam 36-08728

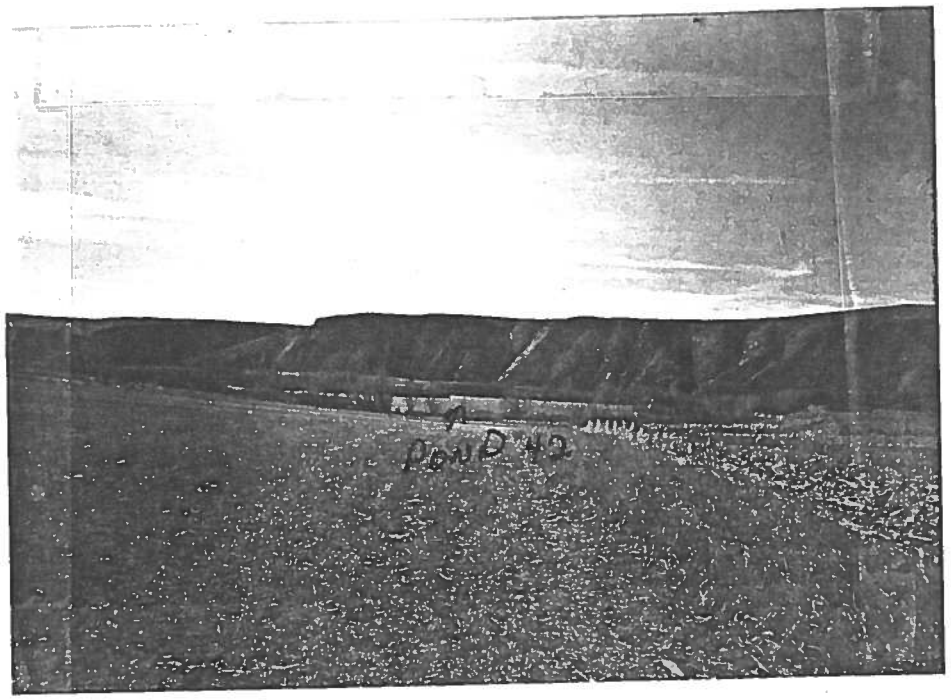


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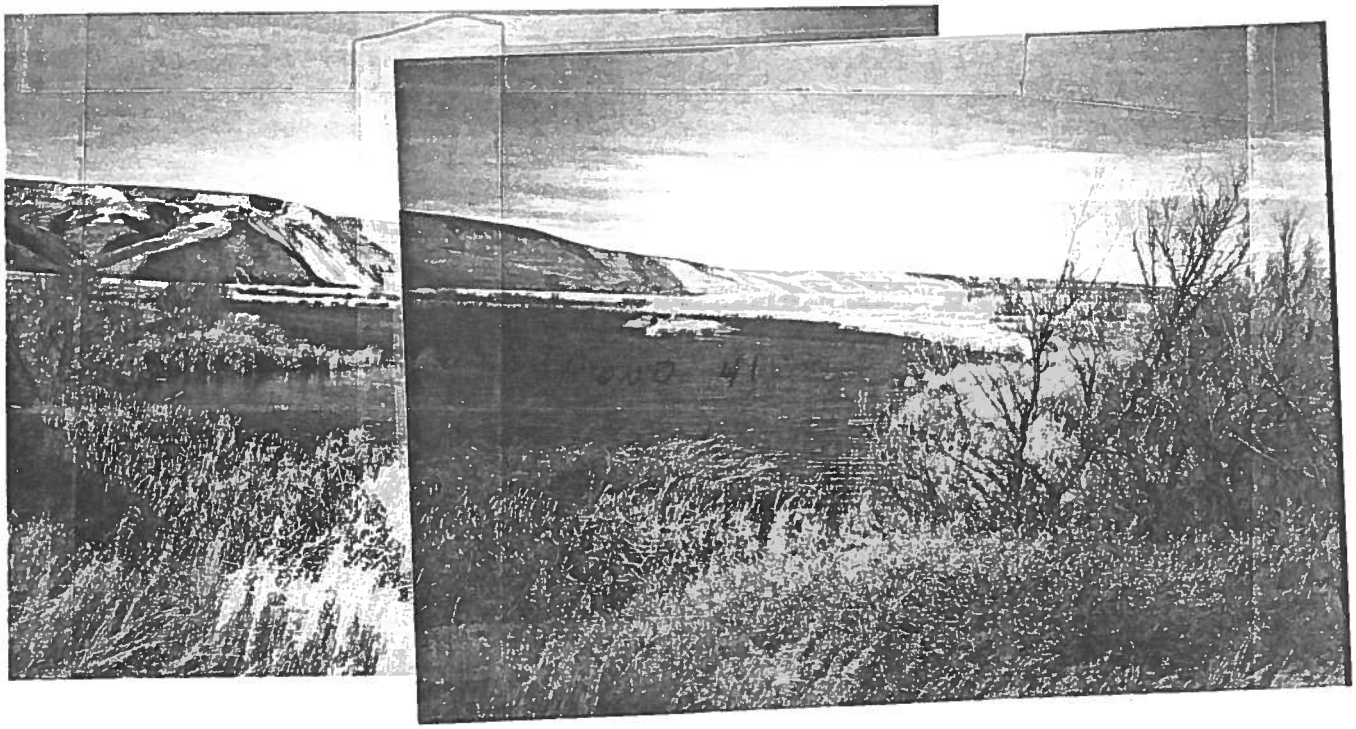


POND #39

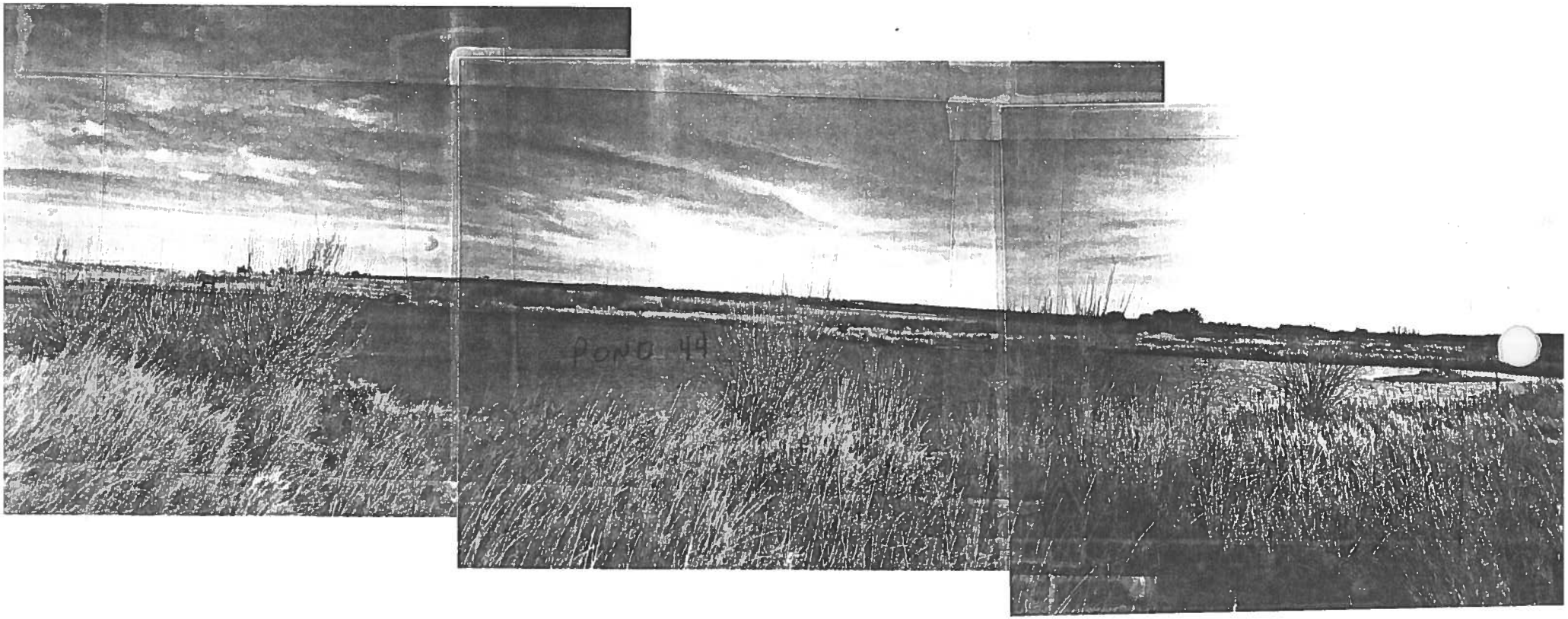
Original
In Field
Exam
36-08728



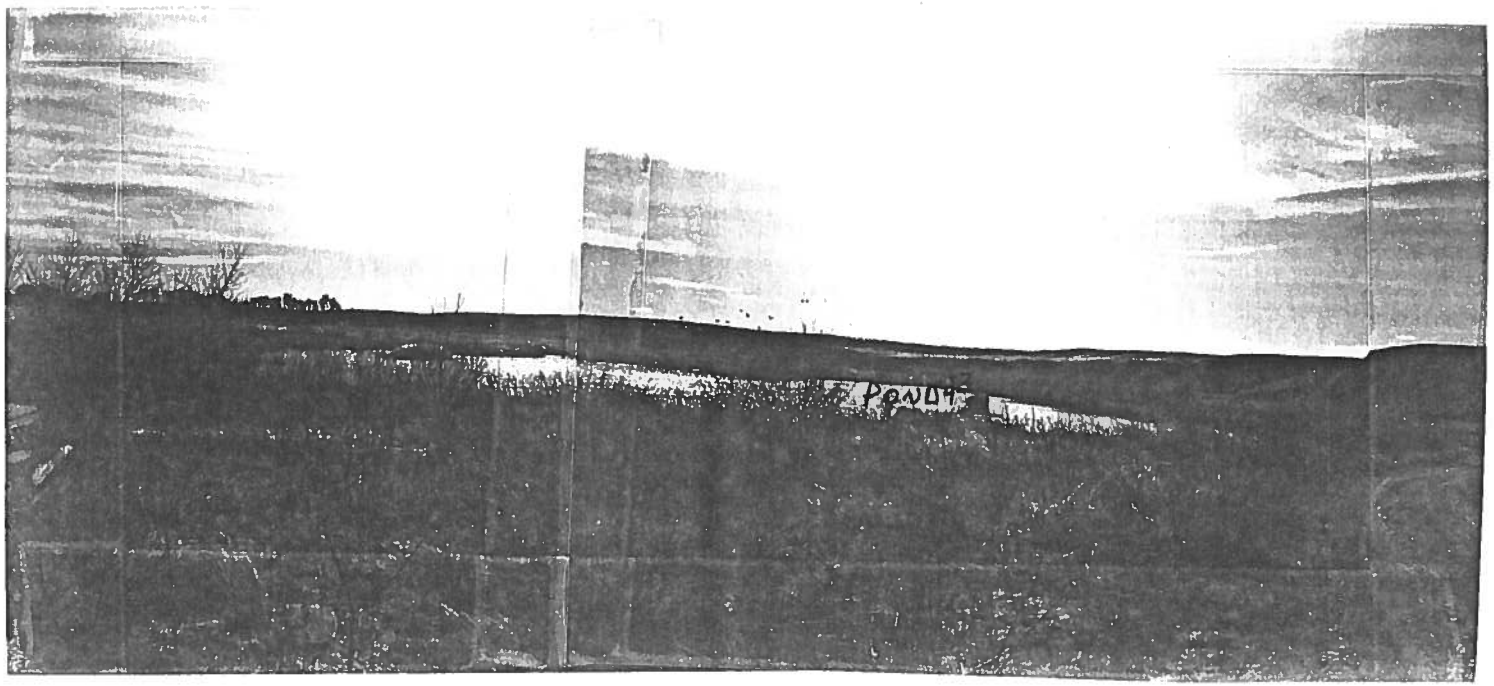
POND 42



POND 41



↑
POND 44



← POND 43

ORIGINAL IN FILE
EXAM
36-08728

Western Legends LC

Post Office Box 737
Hagerman, Idaho 83332

Telephone (208) 837-6641

December 9, 1998

Via Fax: 736-3037
Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
DEC 09 1998
Department of Water Resources
Southern Region

cc: Dave Tuthill, Boise IDWR
Via Fax 327-7866

Re: Permit/License processing
Buckeye Farms - Nos. 36-07739, 36-08335, 36-07742, 36-08730, 36-07741, 36-08729, 36-07740, 36-08728
Buckeye Farms - New Applications filed 10/98 (3 applications)

Dear Allen:

As we discussed with you on Monday, we hereby formally request that we be notified and receive copies of all further actions taken on the above referenced Applicatons for permit and Permits being processed to licenses. As we stated, we will be submitting comments with respect to all of these applications and/or permits being processed to licenses.

We are requesting this information in accordance with the Idaho Code Administrative Procedures Act.

Please send all notices to:

Western Legends LC
P. O. Box 737
Hagerman, ID 83330

Thank you for your cooperation in this matter.

Very truly yours,

WESTERN LEGENDS LC

Michael McCarthy
Co-Manager

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 20, 1996

John K Simpson
Rosholt Robertson & Tucker
PO Box 2139
Boise ID 83701-2139

Re: Buckeye Farms Water Right Permits 36-07742 & 36-08730, Conditions of Approval under Permits and Agreement of July 18, 1988

Dear Mr. Simpson:

We have reviewed the above referenced permits in response to the AquaLife calls of December 6, 1996. Both permits contain conditions of approval that subject the rights to the agreement dated July 18, 1988 between the right holder, Buckeye Farms, Inc. and certain protestants. A copy of this agreement is enclosed for your reference.

The purpose of this letter is to direct your attention to provisions of the agreement regarding Buckeye Farms' rates of diversion to the Curren Ditch and Billingsley Creek by-pass flows during a specific period of the year. In particular, paragraph I(A) of the agreement states:

> Buckeye (Farms) agrees to divert only 10 cfs of its water rights between February 1 and May 15 of each year so that the remainder of its water rights will be left in Billingsley Creek as a bypass flow for instream flow purposes or for diversion to nonconsumptive uses by others so long as the water is returned to Billingsley Creek immediately below the place of use.

The Department must consider this agreement when advising the watermaster of Water District 36A about distribution of water from Billingsley Creek. Recent correspondence to the watermaster in response to the AquaLife calls did not address this agreement. We intentionally omitted any reference to this agreement because it only requires bypass flows between February 1 and May 15. We were concerned that any direction to the watermaster at this time relative to the Buckeye agreement may be premature.

We wish to notify you of the existing agreement and that IDWR may require enforcement of the agreement as it pertains to the specified rate of diversion and bypass flow between February 1 and May 15. We expect that there may be some questions about

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 20, 1994

JOHN K SIMPSON
ROSHOLT ROBERTSON & TUCKER
PO BOX 2139
BOISE ID 83701-2139

RE: Buckeye Farms, Inc., Permits 36-07740, 36-07741, & 36-07742

Dear Mr. Simpson:

In response to your letter of June 7, 1994, we have bifurcated the above referenced permits. The above permits now reflect the original fish propogation use and priority date.

The amended uses added to the above permits in 1987 will be issued new numbers 36-08728, 36-08729, and 36-08730.

In order to start the process, we require fees for the three new permits. The fees total $1,055.00.

I will be waiting for your response.

If you have any further questions, please feel free to contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman

CINDY ZIMMERMAN
Water Resource Agent

RECEIVED
JUN 28 1994

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

Water Right Number - P36-07742 Prefix Translation: PERMIT Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** BUCKEYE FARMS INC.		1 - 18335 US HWY 30 2 - 3 - City- HAGERMAN State- ID Zip- 833320000 Phone - 208-837-6595
*** O - ORIGINAL OWNER *** BUCKEYE LAND CO.		1 - 2 - 3 - City- State- ID Zip- Phone - 208-000-0000

Priority Date	Region	Stage	Status
08/01/1977	17 SOUTHERN	P - PERMIT	

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
07S	14E	31	SW NE			(47) GOODING			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
19	FISH PROPAGATION	01/01	12/31	20.000	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
20.000		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	33	SE NE			19	FISH PROPAGATION	(47) GOODING
07S	13E	34	SW NW			19	FISH PROPAGATION	(47) GOODING

Diversion Means - DITCH, PIPELINE & PONDS.

Non-Irrigation Use -

Other Rights for Same Use - 36-7739.

Remarks

This permit is subject to the agreement dated 7/18/88 between right holder & protestant(s) to the extent such agreement covers matters within the jurisdiction of IDWR.

Water right number - P36-07742 Prefix Translation: PERMIT

+ - Old Water Right Numbers - +

+ - Old Water Right Numbers - +

No Old Water Right Numbers found.

+ - Conditions of Approval - +

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ -Comments- +

Date: 06/15/1994 User Id: CZIMMERM Subject: PERMIT BIFURCATED
This permit has been bifurcated to reflect the original application. For amended uses see 36-08730.

+ - - Audit Fields - 06/15/94 CZIMMERM

+ - Water Rights Dates and Flags Area - +

Proof Due Date	- 07/01/1993	Field Exam Made	- 00/00/0000	Field Exam Fee	- R
Approved/Denied	- 08/03/1988	Protested Date	- 00/00/0000	Swan Falls	- Z
Proof Made Date	- 06/29/1993	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 36A
Licensed Date	- 00/00/0000	Appl Received	- 08/01/1977	Transfer/Amended	-
Decree Date	- 00/00/0000	Name Connector	-	POU Ownership Flag	- Y
Presumption Flag	-				

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO

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

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
JUN 08 1994
Department of Water Resources

June 7, 1994

David B. Shaw
Adjudication Bureau Chief
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: BUCKEYE FARMS, INC., PERMITS 36-07740,36-07741, 36-07742

Dear Dave:

I have now had an opportunity to discuss with my clients your letter of April 29, 1994, concerning bifurcation of the above-referenced permits. Pursuant to your letter, I am hereby providing written notification to the Department of my client's desire to pursue bifurcation of the permits in order to separate the original water use for fish propagation and those added in 1987.

Since your letter indicated that there are no forms for this procedure, please advise how you wish us to proceed from this point forward.

Thanks very much for your help with this matter.

Sincerely,

/s/ John K. Simpson

JOHN K. SIMPSON

JUN 28 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 29, 1994

John K. Simpson
ROSHOLT ROBERTSON & TUCKER
P.O. Box 2139
Boise, ID 83701-2139

Re: Buckeye Ranch Permits 36-07740, 36-07741 and 36-07742

Dear Mr. Simpson:

The Department has reviewed these permit files as requested by you. It is not clear from the files why the original 1977 applications were amended instead of making new filings for the new water uses. The inclusion of new uses on the 1977 applications resulted in an adjustment in priority to September 24, 1987, the date of the amendments.

In order to preserve the original 1977 priority for the original water use the permit holder could request the existing permits be bifurcated to separate the original water use and those added in 1987. This would require the payment of the filing fee that would have been due in 1987 if the new water uses had been applied for as separate applications. That fee is $1,055. This would result in the creation of three new water right permits for a total of six. The three original permits would have the 1977 priority dates and three new permits would have the 1987 amendment priority dates.

If this approach is acceptable please provide written notification to the Department. Since the Department does not have a form to bifurcate permits we will need to devise a method to clarify the records for these permits but that can be done, if necessary, after your clients have had the opportunity to consider this alternative to their existing permits.

Please let me know if you have questions or if I can be of additional assistance.

Yours truly,

David B. Shaw
Adjudication Bureau Chief

RECEIVED
JUN 28 1994

From: DWR60::HOLMES 3-NOV-1993 09:02:37.07
To: DWR02::SAXTON
CC:
Subj: For your info --

From: DWR60::MERRITT 2-NOV-1993 13:48:35.12
To: HOLMES,DWR03::SHAW
CC: MERRITT
Subj: MEETING REGARDING PRIORITY OF PERMITS 36-07740, 07741, 07742

TODAY AT NOON I MET WITH ATTORNEY JOHN SIMPSON AND LEGAL CLERK SHARON STRICKLAND FROM ROSHOLT,ROBERTSON & TUCKER TO DISCUSS THE MATTER OF THE PRIORITY FOR THE THREE PERMITS.

IN SUMMARY ALL PERMITS WERE FIRST APPLIED FOR IN 1977 AND WERE ALL PROTESTED. A HEARING WAS CONDUCTED HOWEVER THE RECORD WAS LOST. IN 1987 ALL APPLICATIONS WERE AMENDED ADDING NEW USES. THE AMENDED APPLICATIONS WERE RE-ADVERTISED AND MORE PROTESTS GATHERED. BEFORE THE HEARING PROTESTS WERE WITHDRAWN DUE TO AGREEMENTS.

THE RECORD SEEMS TO INDICATE THAT APPLICANT/APPLICANT'S ATTORNEY HAS ALL ALONG CONTENDED OR WAS WORKING UNDER THE ASSUMPTION THAT THE ORIGINAL FISH PROPAGATION USE WOULD GET THE 1977 PRIORITY AND THE NEW USES WOULD GET THE 1987 PRIORITY. IT APPEARS FROM THE RECORD THIS WAS CONSIDERED BY IDWR BUT DETERMINED TO BE NOT POSSIBLE. IN ANY EVENT THE PERMITS WERE ISSUED WITH 9/24/1987 PRIORITIES CONSISTENT WITH PERMIT PROCESSING MEMO #5.

MR. SIMPSON SEEMS TO HAVE A THEORY THAT THE LOSS OF PRIORITY IS SOMEWHAT DUE TO THE LOSS OF THE ORIGINAL HEARING RECORD. MY THEORY IS THEY AMENDED THE APPLICATIONS INSTEAD OF FILING NEW APPLICATIONS TO SAVE FILING FEES.

MR. SIMPSON REQUESTED THE MEETING IN HOPES THAT THE 1987 PRIORITY MIGHT BE AN ERROR BY THE DEPARTMENT AND THAT IT COULD BE CORRECTED INFORMALLY. AFTER REVIEWING THE MICRO-FILM, IT DID NOT APPEAR TO BE AN ERROR TO ME SO I DID NOT OFFER ANY SOLUTION. I GAVE MR. SIMPSON A COPY OF PERMIT PROCESSING MEMO #5 AND A COPY OF "LOREN'S APRIL 4, 1988 MEMO TO FILE 36-07740". MR. SIMPSON INDICATED THAT HE MAY APPROACH DAVE SHAW, LYNN K-H, OR OTHERS TO SEE IF AN INFORMAL SOLUTION MAY BE REACHED. HE ALSO MENTIONED THAT THEY MAY ALSO FILE OBJECTIONS TO ISSUANCE OF THE LICENSE.

ALLEN

JUN 28 1994

RECEIVED
JUN 10 1993
Boise, Idaho
Water Resources

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[ ] Water Right Number (s): 36-07742

[ ] Old Mailing Address: Buckeye Farms, Inc.
P.O. Box 2199
Sun Valley, ID 83353

[ ] New Mailing Address: Buckeye Farms, Inc.
18335 U.S. Highway 30
Hagerman, ID 83332

New Telephone Number: (208) 837 - 6595

[ ] Signature of Claimant: John A. Rosholt

Date: 6/9/93

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: By:
Further Action Needed:
Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:

36-07742

July 2, 1993

BUCKEYE FARMS INC.
18335 US HWY 30
HAGERMAN ID 833320000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-07742

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a lockable device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the lockable device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED
JUL 07 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36-07742 Reviewed by KLG Date 7/1/93

GENERAL CONSIDERATIONS

Yes Name same as permit?
~~no~~ yes Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Fish propagation/aesthetics
Recreation/fish + wildlife
Correct Uses? Yes

SOURCE OF WATER

✓ Surface water source
____ Ground water source
NA Drilling permit required?
/ Copy in the file? Drilling Permit No. ____
/ Amount paid for permit ____ Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?
575 Amount Submitted
Yes Correct?

MEASURING DEVICE

Yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received	NA		
Date proof due	/	-	
No. of days late	/	=	
Priority Date	/	+	
New Priority Date	/		

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY
New Address 18835 US Hwy 30 Hagerman 83332 7/1/93 KLG Proof Made 6/29/93 7/1/93 KLG

needs a lockable

April 30, 1993

BUCKEYE FARMS INC.
P.O. BOX 2199
SUN VALLEY ID 833530000

PROOF DUE NOTICE

RE: PERMIT NO. 36-07742

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL
NO. 140103

140179

MICROFILMED

JUL 07 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

10-Aug-1988

George Lemmon, Watermaster
Water District #36-A
Rt. 1, Box 218
Hagerman, ID 83332

Re: Application for Permit #36-7742

Dear Mr. Lemmon:

Enclosed please find a APPROVED copy of the above referenced application for permit for your files and information.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

mb

Enclosure

IN[illegible]-DEPARTMENT MEMO — 1

FROM CAERYN

DATE 5/2/88

TO FILE

SUBJECT

36-7741
36-7742 ✓
-8335

SEE FILE #36-7740 FOR CARGE SCALE MAPS OF 1986 BUCKEYE RANCH WATERFOWL HABITAT PROJECT.

SIGNATURE

MICROFILMED
SEP 28 1988

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

- -

Statehouse
Boise, Idaho 83720
(208) 334-7900
August 8, 1988

BUCKEYE FARMS, INC.
P.O. BOX 2199
SUN VALLEY, ID 833530000

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-07742

Dear Permit Holder:

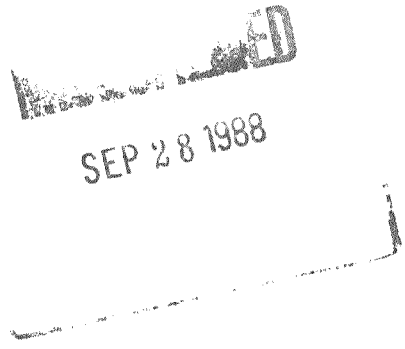
Enclosed is a copy of your approved application for permit. We direct you attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control your rate of diversion.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,



Gary Spackman
Supervisor, Water Allocation Section

GS: SC
Enclosures

RECEIVED
JUL 25 1988
Department of Water Resources
Southern Region Office

AGREEMENT

The undersigned agree to the withdrawal of their protests to Application No. 36-7742 if said permit is conditioned as follows:

I. It is understood that Buckeye Farms, Inc. (hereinafter "Buckeye") shall not at any time divert more than a total of 20 cfs from Billingsley Creek into the Curran Ditch pursuant to the hereinafter described rights. However, Buckeye shall be entitled to divert from Billingsley Creek from its existing diversion below Rangen's Hatchery into Curran Ditch all of its 20 cfs of water for irrigation and stock water purposes with a priority date of April 1, 1917; and under Permit No. 36-7742 for fish propagation purposes with a priority date of August 1, 1977; and for recreation, aesthetics, fish propagation, and fish and wildlife habitat purposes with a priority date of September 24, 1987 (hereinafter "water rights"); except as follows:

A. Buckeye agrees to divert only 10 cfs of its water rights between February 1 and May 15 of each year so that the remainder of its water rights will be left in Billingsley Creek as a bypass flow for instream flow purposes or for diversion to nonconsumptive uses by others so long as the water is returned to Billingsley Creek immediately below the place of use.

1. In the event that there would be less than 20 cfs available at the existing diversion below Rangen's Hatchery into Curran Ditch for diversion under Buckeye's water rights as above described in Paragraph No. I between February 1 and May 15 of any year, the reduction will be shared equally. e.g. If only 18 cfs were available, 9 would be left in Billingsley Creek and 9 would be diverted by Buckeye.

2. In the further event that future upstream junior diversions would be made from Billingsley Creek above the diversion of Buckeye as said diversion is described in Paragraph No. I above, resulting in less than 20 cfs being available for diversion and bypass as provided in this Agreement, the undersigned hereto shall be responsible for the protection of their own entitlement under this Agreement. e.g. If 20 cfs

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B. Buckeye and the undersigned shall comply with the requirements of the Idaho Department of Water Resources so as to legally validate said bypass between February 1 and May 15 of each year, including but not limited to the following alternatives:

1. An amendment of Application No. 36-7742 to reflect the bypass right therein, together with an assignment of the appropriate portion of 36-7742 to the Idaho Water Resource Board for bypass flows between February 1 and May 15 as a public trustee; and/or

2. A change in nature of use and place of use to protect the priority date and use of said water right for bypass purposes under 36-7742; and/or

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IV. The parties agree that this Agreement may be executed in counterparts and will be effective as though all had executed the same document.

V. The undersigned hereby bind themselves, their heirs, personal representatives, successors and assigns.

_____ Dated: _____
BUCKEYE FARMS, INC.

_____ Dated: _____
EDWARD D. SHOKAL

_____ Dated: _____
RUTH C. SHOKAL

_____ Dated: _____
MARNE MERCER, PRESIDENT
HAGERMAN VALLEY CITIZENS ALERT

_____ Dated: _____
PAUL E. WATKINS

_____ Dated: _____
INEZ S. WATKINS

_____ Dated: _____
CLEAR LAKES TROUT &
FISHERIES DEVELOPMENT CO.

W.A. Sandy Dated: 7/25/88
W.A. SANDY, PRESIDENT
TROUTCO

9335m

SEP 28 1988

LAW OFFICES

HEPWORTH, NUNGESTER, FELTON, AND LEZAMIZ, CHARTERED

PROFESSIONAL CENTER — 1020 MAIN
Post Office Box 589
BUHL, IDAHO 83316
TELEPHONE (208) 543-4368

A Professional Corporation

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
JOHN T. LEZAMIZ
D. BRENT MARTENS (1975-1986)
JEFFREY E. ROLIG
JOHN C. HOHNHORST
J. CHARLES HEPWORTH
PENELOPE PARKER-KIMBER
JEFFREY J. HEPWORTH

TWIN FALLS OFFICE
Blick Building
133 Shoshone Street North
Post Office Box 389
Twin Falls, Idaho 83303-0389
Telephone (208) 734-7510

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Department of Water Resources
Southern Region Office

July 21, 1988

OUR FILE NUMBER

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AUG - 2 1988
Department of Water Resources

Loren Holmes
Idaho Department of
Water Resources
2148 4th Avenue East
Twin Falls, ID 83301

RE: Buckeye Farms Inc. v. Troutco, et al.
Water Permit No. 36-7742

Dear Loren:

At the hearing earlier in Hagerman we appeared on behalf of John Sandy and on behalf of Earl Hardy, because Fred Ringert was in the Senate, which was in session at that time. Since that time we have stopped representing Mr. Sandy and Fred Ringert has taken over representing Earl Hardy. Would you please note this on your file and not copy us in this matter any more. We do not deem ourselves to be attorney of record for anyone in the above-captioned matter.

Very truly yours,

HEPWORTH, NUNGESTER, FELTON
& LEZAMIZ

Wm. L. Nungester

WLN:cj

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NTER-DEPARTMENT MEMO — 1

FROM CHERYL

DATE

TO FILE

SUBJECT

36-7742

PLEASE REFER TO 36-7740 FOR ALL other related CORRESPONDENCE.

Received
SEP 28 1988

SIGNATURE

BUCKEYE FARMS, INC.

Form No. 202a
3/79

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: AOr APPLICATION NUMBER: Amended 36-7742

CHECK:

- ☒ Source.
- ☒ Point of diversion.
- ☒ County.
- ☒ Quantity of water and period of use.
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map.
- ☒ Signature.
- ☐ Fee.

Field check by: _____
Date: _____
Comments: _____

- ☒ Yes ☐ No Field check required.
- ☐ Yes ☒ No Critical groundwater area.
- ☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
- ☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department. Copies sent by: MB Date: 10/30/87
- ☒ Idaho Fish and Game Department. MB 10/30/87
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☐ Other All Original Protestants of Similar Applic. by Buckeye Land Co.

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
- ☒ Yes ☐ No Other rights on same place of use. Overlaps with 36-7739, 40, 41
- ☒ Yes ☐ No* In form for advertising. Final date for protests: 12/14/87 (Publication error)
- ☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

statewide

- ☒ Affidavit of publication received. Date: 12/8/87
- ☒ Application published correctly. If not, record action taken: _____
- ☒ Fee amount, receipt date & number, recorded on application.
- ☒ Publication dates and paper, recorded on application.
- ☒ Protests, dates, withdrawal, etc., recorded on application.
- ☒ Recommendation & initial, recorded on application.
- ☒ Yes ☐ No Measuring device required.
- ☐ Yes ☒ No Access port required.
- ☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 36-A
- Date of priority recommended. 9-24-87 per rule 3,4,3.
- Special conditions of approval or cover letter. _____

01E, 05 (36-A Billingsley & Riley creeks) 09E, 20A (7/14/88)
27
ok to allow 5 yrs. as requested-

By: Karen O Sahrer Date: 7/21/88

STATE OFFICE REVIEW:

POD, PIT 44 26 05 (36A, Billingsley Creek)
42 27 04 01J 07A 09D 20A (7-18-1988)

☐ See attached sheet for more information.

By: KW Date: 7/27/88

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JUL 28 1988
Department of Water Resources

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

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JUL 19 1988
Department of Water Resources
Southern Region Office

DATE: 7/19/88

TO: Loren

36-7742

RE: Curran Ditch - Buckeye Farms

This is the Original
Signed By the Shokals.

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NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

BY .....

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JUL 19 1988
Department of Water Resources
Southern Region Office

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SEP 28 1988

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_____ Dated: _____
BUCKEYE FARMS, INC.

Edward C. Shokal Dated: July 16 1988
EDWARD D. SHOKAL

Ruth C. Shokal Dated: July 16, 1988
RUTH C. SHOKAL

_____ Dated: _____
MARNE MERCER, PRESIDENT
HAGERMAN VALLEY CITIZENS ALERT

_____ Dated: _____
PAUL E. WATKINS

_____ Dated: _____
INEZ S. WATKINS

_____ Dated: _____
CLEAR LAKES TROUT &
FISHERIES DEVELOPMENT CO.

_____ Dated: _____
W.A. SANDY, PRESIDENT
TROUTCO

9335m

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SEP 28 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-7742	
Buckeye Farms Inc. Applicant	ORDER TO SHOW CAUSE WHY PROTEST SHOULD NOT BE DISMISSED FOR FOR FAILURE TO APPEAR AT HEARING
Troutco Fisheries Development Co. Mr. & Mrs. Edward C. Shokal Paul & Inez Watkins Hagerman Valley Citizens Alert Protestants	

FINDINGS OF FACT

1) On June 10, 1988, the Department of Water Resources issued notice of hearing in the above titled matter, setting the hearing for July 18, 1988, at 1:00 PM, in the Gooding City Hall, 308 5th Ave. W., Gooding.

2) On July 18, 1988, the department convened the hearing at the announced time and place. The applicant was present and submitted for the record, agreements executed by the applicant and protestants Fisheries Development Co., Hagerman Valley Citizens Alert, and Paul & Inez Watkins. Troutco and Mr. & Mrs Edward C. Shokal were not present and did not go on record as withdrawing protests.

CONCLUSIONS OF LAW

1) Rule 9.2 of the Rules of Practice and Procedure adopted by the Department of Water Resources pursuant to chapter 52, title 67, Idaho Code provides that the director may, with predjudice, dismiss pleadings of parties who fail to appear at the time and place set for hearing.

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ORDER

It is therefore, hereby ordered that protestants Troutco and Mr. and Mrs. Edward C. Shokal shall show cause within ten (10) days of the date of this order why protests filed in this matter should not be dismissed and no longer considered by the director.

Dated this 19 day of July, 1988.

Loren O. Holmes
Southern Region Manager

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SEP 27 1988

CERTIFICATE OF SERVICE

I hereby certify that I served true and correct copies of the following document on the persons listed below by mailing in the U.S. mail, first class, with correct postage affixed thereto on this 19 day of July, 1988.

DOCUMENT SERVED: ORDER TO SHOW CAUSE WHY PROTEST SHOULD NOT BE DISMISSED FOR FAILURE TO APPEAR AT HEARING IN THE MATTER OF APPLICATION FOR PERMIT NO. 36-7742

PERSONS SERVED:

Mr. & Mrs Edward C. Shokal
Rt 1 Box 410
Hagerman, ID 83332

W. A. Sandy, President
Troutco
Box 326
Hagerman, ID 83332

William L. Nungester
P.O. Box 589
Buhl, ID 83316

Loren O. Holmes
Southern Region Manager

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SEP 27 1988

Boise, Idaho
July 18, 1988

Mr. Bob Fleenor
Dept. of Water Resources
1301 N. Orchard
Boise, Idaho

Re: Application No. 36-7742

Dear Mr. Fleenor:

Enclosed is an Agreement which I have signed for Clear Lakes Trout Co. and Fisheries Development Corp., for the purpose of resolving their protests against Appl'n. No. 36-7742. Copies have been sent to Mr. Rosholt by FAX and regular mail. He is to advise me this morning as to his client's acceptance or rejection.

I intend to attend the hearing this afternoon, only if this Agreement does not resolve the issues. If a potential scheduling conflict prevents my attendance, however, I request an opportunity to submit comments in writing based on the record presented by the Application and supporting maps and other material.

SEP 27 1988

Yours very truly,
S. F. Reigert

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SEP 27 1988

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BUCKEYE FARMS, INC. Dated: 7/18/88

EDWARD D. SHOKAL Dated:

RUTH C. SHOKAL Dated:

MARNE MERCER, PRESIDENT Dated: 7-18-88
HAGERMAN VALLEY CITIZENS ALERT

PAUL E. WATKINS Dated:

INEZ S. WATKINS Dated:

CLEAR LAKES TROUT & Dated: 7-15-88
FISHERIES DEVELOPMENT CO.

W.A. SANDY, PRESIDENT Dated:
TROUTCO

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HAGERMAN VALLEY CITIZENS ALERT

_____ Dated: _____
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INEZ S. WATKINS

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2. A change in nature of use and place of use to protect the priority date and use of said water right for bypass purposes under 36-7742; and/or

3. An assignment of the 10 cfs bypass right for the period of February 1 through May 15 annually as required by this Agreement, to the land immediately above the mouth of Billingsley Creek for aesthetic or other nonconsumptive beneficial purposes, so as to assure the bypass flow will remain in the drainage.

II. It is understood that Application 36-7742 shall be issued pursuant to the conditions of this Agreement and subject to all prior water rights. Nothing herein shall be deemed a waiver by another water right holder who is a party hereto to contest the diversions of Buckeye pursuant to the rights set out in Paragraph I above in an appropriate forum in the future and no party hereto shall be precluded from challenging the validity or any element of any water right perfected under Permit No. 36-7742.

III. Buckeye agrees that existing fish propagation facilities shall not be used to establish beneficial use under Permit No. 36-7742, and that the uses under Permit No. 36-7742 are nonconsumptive uses for purposes of Fisheries Development Company's Permit No. 36-8089.

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SEP 27 1988

IV. The parties agree that this Agreement may be executed in counterparts and will be effective as though all had executed the same document.

V. The undersigned hereby bind themselves, their heirs, personal representatives, successors and assigns.

_____ Dated: _____
BUCKEYE FARMS, INC.

_____ Dated: _____
EDWARD D. SHOKAL

_____ Dated: _____
RUTH C. SHOKAL

_____ Dated: _____
MARNE MERCER, PRESIDENT
HAGERMAN VALLEY CITIZENS ALERT

Paul E. Watkins Dated: 7-18-88
PAUL E. WATKINS

Inez S. Watkins Dated: 7-18-88
INEZ S. WATKINS

_____ Dated: _____
CLEAR LAKES TROUT &
FISHERIES DEVELOPMENT CO.

_____ Dated: _____
W.A. SANDY, PRESIDENT
TROUTCO

9335m

MICROFILMED
SEP 27 1988

Re: Buckeye Farms, 36-7742

Place: Gooding City Hall

Date: Monday; July 18, 1988-1:00 p.m.

Hearing Officer Loren Holmes

Assisted by _____

ROSTER OF ATTENDANCE

Name	Address	Representing
Glenn A. Rossacct	P.O. 1906 Twin Falls ID 83301	Buckeye Farms
Donna M Kessler	Rt 1 Box 216 Hagerman	Buckeye Farms

MICROFILMED
SEP 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

15-Jun-1988

Sue Wolfe
308 5th Ave. West
Gooding, ID 83330

Dear Ms. Wolfe:

Re: Application for Permit No. 36-7742

This is to confirm the use of the Council Chambers for a conference and/or hearing to be held by this office on Monday, July 18, 1988 from 1:00 p.m.

Thank you very much for your cooperation.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

MICROFILMED
SEP 27 1988

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER: IDWR 6/10/88 Re: 36-7742

Indicate type of mail: ☐ Registered ☐ Insured ☐ COD ☑ Certified

I certify that we have ☐ Commercial Insurance ☐ A deductible clause of $

Affix stamp here if issued as certificate of mailing or for additional copies of this bill. *POSTMARK AND DATE OF RECEIPT*

LINE	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE / REMARKS
1	429	Hagerman Valley Citizens Alert	.25	.85	.45						
2	430 ✓	Mr & Mrs Edward C Shotwell									
3	431 ✓	Mr & Mrs Paul Mathews									
4	432	Trout Co									
5	433 ✓	William C. Nungester									
6	434 ✓	William F. Rugett									
7	435 ✓	Buckeye Farms									
8	436 ✓	John A. Rosholt									
9											
10											
11											
12											
13											
14											
15											

SEP 27 1988

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	*POSTMASTER, PER (Name of receiving employee)*
8		

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to $1,000 or the full amount of the deductible if the deductible exceeds $1,000. The maximum indemnity payable is $25,000 for registered mail, $400 for COD and $400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

PS Form 3877 April 1980

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)* 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
John A. Rosholt
P.O. Box 1906
Twin Falls, ID 83301

4. Article Number
436
Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☑ Express Mail
Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X Judge Rosholt

7. Date of Delivery
6-13-88

8. Addressee's Address *(ONLY if requested and fee paid)*

RECEIVED
SEP 4 1988
RECEIVED
JUN 15 1988
Department of Water Resources
Southern Region Office

PS Form **3811,** Mar. 1987 ★ U.S.G.P.O. 1987-178-268 **DOMESTIC RETURN RECEIPT**

36-2742

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)* 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
Buckeye Farms Inc.
P.O. Box 2199
Sun Valley, ID 83353

4. Article Number
435
Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail
Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X Brian A Fleming

7. Date of Delivery
JUN 15 1988

8. Addressee's Address *(ONLY if requested and fee paid)*
SEP 27 1988

RECEIVED

PS Form **3811,** Mar. 1987 ★ U.S.G.P.O. 1987-178-268 **DOMESTIC RETURN RECEIPT**

36-2742

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)* 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
Clear Lakes Trout Co. &
Fisheries Development Co.
c/o William E. Ringe
P.O. Box 2773
Boise, ID 83701

4. Article Number
434
Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail
Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery
6-13-88

8. Addressee's Address *(ONLY if requested and fee paid)*

RECEIVED
SEP 27 1988
RECEIVED
JUN 14 1988
Department of Water Resources
Southern Region Office

PS Form **3811,** Mar. 1987 ★ U.S.G.P.O. 1987-178-268 **DOMESTIC RETURN RECEIPT**

36-2742

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED
JUN 15 1988
Department of Water Resources
Southern Region Office

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

SEP 27 1988

DEPARTMENT OF WATER RESOURCES
2148 4th AVENUE EAST
TWIN FALLS, IDAHO 83301

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED
JUN 16 1988
Department of Water Resources
Southern Region Office

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

SEP 27 1988

DEPARTMENT OF WATER RESOURCES
2148 4th AVENUE EAST
TWIN FALLS, IDAHO 83301

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED
JUN 14 1988
Department of Water Resources
Southern Region Office

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

SEP 27 1988

DEPARTMENT OF WATER RESOURCES
2148 4th AVENUE EAST
TWIN FALLS, IDAHO 83301

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)* 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
William L. Nungester
P.O. Box 589
Buhl, ID 83316

4. Article Number
433

Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X Allan Gannon SEP 27 1988

6. Signature — Agent
X

7. Date of Delivery
6-13-88

8. Addressee's Address *(ONLY if requested and fee paid)*

MICROFILMED
JUN 14 1988
Department of Water Resources
Southern Region Office

PS Form 3811, Mar. 1987 ★ U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

36-27N2

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)* 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
Mr. & Mrs. Paul Watkins
Rt. 1 Box 412
Hagerman, ID 83332

4. Article Number
431

Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X Paul E. Watkins

6. Signature — Agent
X

7. Date of Delivery
6-14-88

8. Addressee's Address *(ONLY if requested and fee paid)*

MICROFILMED
SEP 27 1988

PS Form 3811, Mar. 1987 ★ U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

36-27N2

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)* 2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:
Mr. & Mrs Edward C. Shokal
Rt. 1 Box 410
Hagerman, ID 83332

4. Article Number
430

Type of Service:
☐ Registered ☐ Insured
☑ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X Ed Shokal SEP 27 1988

6. Signature — Agent
X

7. Date of Delivery
6-14-88

8. Addressee's Address *(ONLY if requested and fee paid)*

MICROFILMED
JUN 13 1988
Department of Water Resources
Southern Region Office

PS Form 3811, Mar. 1987 ★ U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

36-27N2

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

RECEIVED
SEP 27 1988

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2148 4th AVENUE EAST
TWIN FALLS, IDAHO 83301

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

RECEIVED
JUN 16 1988
Department of Water Resources
Southern Region Office

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

Print Sender's name, address, and ZIP Code in the space below.

RECEIVED
SEP 27 1988

DEPARTMENT OF WATER RESOURCES
2148 4th AVENUE EAST
TWIN FALLS, IDAHO 83301

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

RECEIVED
JUN 15 1988
Department of Water Resources
Southern Region Office

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

Print Sender's name, address, and ZIP Code in the space below.

RECEIVED
SEP 27 1988

DEPARTMENT OF WATER RESOURCES
2148 4th AVENUE EAST
TWIN FALLS, IDAHO 83301

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NO. 36-7742	NOTICE OF HEARING
Buckeye Farms Applicant	SOURCE: Billingsley Creek COUNTY: Gooding
Troutco Fisheries Development Co. Mr. & Mrs Edward C. Shokal Paul & Inez Watkins Hagerman Valley Citizens Alert Protestants	

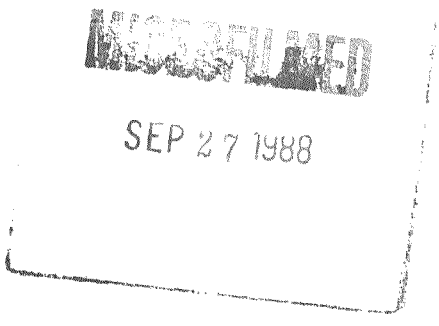
On March 1, 1988, The Department of Water Resources held a conference in the matter of the above titled application. At the conference, the protests of all except the above named protestants were withdrawn.

Subsequent to the conference, an agreement was proposed which would resolve the remaining protests. The applicant has advised the department that an agreement has not been reached and has requested a hearing.

The Department has set the matter of the remaining protests for hearing for Monday, July 18, 1988, at 1:00 PM, in the Gooding City Hall, 308 5th Ave W., Gooding.

The hearing will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 10 day of June, 1988.



Loren O. Holmes
Southern Region Manager

BDF

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700

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

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

RECEIVED
MAY 17 1988
Department of Water Resources

May 16, 1988

Mr. Bobby Fleenor
Idaho Department of Water Resources
1301 N. Orchard
Boise ID 83706

RE: Buckeye Farms -- 36-7742

Dear Mr. Fleenor:

I had no response from Clear Lakes, Fisheries Development or Troutco to my previous letter asking their consideration of the Agreement, which would effect dismissal of all protests, prior to May 13, 1988. As you will recall, Mr. Shokal, Mr. Mercer and Mr. Watkins had executed the Agreement.

It is apparent that the matter cannot now be resolved without going to hearing. Therefore, I request that a hearing be scheduled at the Department's earliest convenience and that the protestants be notified so that this matter might be disposed of.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
85661

cc: Loren Holmes -- IDWR
Marne Mercer, President -- Hagerman Valley Citizens Alert
Mr. and Mrs. Edward D. Shokal
W.A. Sandy, President -- Troutco
Nyal Hoffman -- Fisheries Development Company
Mr. and Mrs. Paul E. Watkins
William Ringert
William Nungester
Donnie McFadden
Stoney Burke

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SEP 27 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

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

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700

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

RECEIVED
MAY 9 1988
Department of Water Resources
Southern Region Office

May 6, 1988

Marne Mercer, President
Hagerman Valley Citizens Alert
P.O. Box 32
Hagerman ID 83332

Mr. and Mrs. Edward D. Shokal
Rt. #1 Box 410
Hagerman ID 83332

W.A. Sandy, President
Troutco
Box 326
Hagerman ID 83332

Mr. Nyle Hoffman
Fisheries Development Company
E. of Hagerman
Hagerman ID 83332

Mr. and Mrs. Paul E. Watkins
Rt. #1 Box 412
Hagerman ID 83332

RE: Application No. 36-7742 -- Buckeye Farms, Inc.

Since I received signed Agreements from three of the protestants, namely Mr. Mercer, Mr. and Mrs. Shokal, and Mr. Watkins, I have been attempting to secure the signatures of the Clear Lakes, Fisheries Development and Troutco people. John Sandy has advised that he would not sign until the he knew what Clear Lakes and Fisheries Development were going to do.

Following the March 1 conference, I put together the Agreement which I thought reflected the consensus of the parties (except Nyle Hoffman who indicated he had to talk to Mr. Hardy). That has been more than two months ago and my clients are anxious to get the matter resolved.

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SEP 27 1988

Today my clients advised that unless Clear Lakes, Fisheries Development and Troutco signed the Agreement by Friday, May 13, they wanted me to request a hearing date so that the matter could be disposed of. Consequently, if the Agreement is not signed by the remaining protestants by Friday, the 13th of May, I will ask the Department of Water Resources to schedule a hearing date at their earliest possible convenience.

Naturally if all of the protestants do not sign, the Agreement is off and we can start again at Square A.

I would ask Troutco, Clear Lakes and Fisheries Development to please sign and send the Agreement so that I might receive it by the 13th of May, or I will consider the Agreement off.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
84811

cc: Bobby Fleenor -- IDWR
Loren Holmes -- IDWR
William Ringert
William Nungester
Donnie McFadden
Stoney Burke

SEP 27 1988

March 8 1988

Mr. Higgenson
Director of the Idaho Water Resources Dept.

Dear Mr. Higgenson:

Please accept this communication as a record that I with-draw my protest on application 36-7742.

Edward C. Shekel
RT # 1 Box 410
Hagerman, Idaho
83332

RECEIVED
APR 8 1988
Department of Water Resources
Southern Region Office

MICROFILMED
SEP 27 1988

March 29, 1988

Idaho dept. of Water Resources
2148 Fourth Av. East
Twin Falls, Id.

dear Sirs: re Ap. # 36-7742
Buckeye Farms &

Enclosed is an Agreement reached with Roskelt-McFadden pertaining to the above application.
We would ask right of review if this document is changed in any manner.

cc Roskelt
Attny

Sincerely,
Paul E. Watkins

RECEIVED
MAR 31 1988
Department of Water Resources
Southern Region Office

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SEP 27 1988

RECEIVED

MAR 31 1988

Department of Water Resources
Southern Region Office

AGREEMENT

The undersigned agree to the withdrawal of their protests to Application No. 36-7742 if said permit is conditioned as follows:

I. Buckeye Farms, Inc. (hereinafter "Buckeye") shall be entitled to divert from Billingsley Creek from its existing diversion below Rangen's Hatchery into Curran Ditch all of its 20 cfs of water for irrigation and stock water purposes with a priority date of April 1, 1917; for fish propagation purposes with a priority date of August 1, 1977; and for recreation, aesthetics, fish propagation, and fish and wildlife habitat purposes with a priority date of September 24, 1987 (hereinafter "water rights"); except as follows:

A. Buckeye agrees to divert only 10 cfs of its water rights between February 1 and May 15 of each year so that the remainder of its water rights will be left in Billingsley Creek as a bypass flow for instream flow purposes or for diversion to nonconsumptive uses by others so long as the water is returned to Billingsley Creek immediately below the place of use.

1. In the event that there would be less than 20 cfs available at the existing diversion below Rangen's Hatchery into Curran Ditch for diversion under Buckeye's water rights as above described in Paragraph No. I between February 1 and May 15 of any year, the reduction will be taken from the bypass flow. e.g. If only 18 cfs were available, 8 would be left in Billingsley Creek and 10 would be diverted by Buckeye.

2. In the further event that future upstream junior diversions would be made from Billingsley Creek above the diversion of Buckeye as said diversion is described in Paragraph No. I above, resulting in less than 20 cfs being available for diversion and bypass as provided in this Agreement, the undersigned hereto shall be responsible for the protection of their own entitlement under this Agreement. e.g. If 20 cfs were otherwise available for diversion at Buckeye Farms' headgate to Curran Ditch at anytime between February 1 and May 15 except for an upstream diversion pursuant to a junior priority

SEP 27 1988

right, Buckeye shall be responsible for protection of its right to divert 10 cfs and the undersigned (except Buckeye) hereto shall be responsible for protecting the 10 cfs bypass.

B. Buckeye and the undersigned shall comply with the requirements of the Idaho Department of Water Resources so as to legally validate said bypass between February 1 and May 15 of each year, including but not limited to the following alternatives:

1. An amendment of Application No. 36-7742 to reflect the bypass right therein, together with an assignment of the appropriate portion of 36-7742 to the Idaho Water Resource Board for bypass flows between February 1 and May 15 as a public trustee; and/or

2. A change in nature of use and place of use to protect the priority date and use of said water right for bypass purposes under 36-7742; and/or

3. An assignment of the 10 cfs bypass right for the period of February 1 through May 15 annually as required by this Agreement, to the land immediately above the mouth of Billingsley Creek for aesthetic or other nonconsumptive beneficial purposes, so as to assure the bypass flow will remain in the drainage.

II. The parties agree that this Agreement may be executed in counterparts and will be effective as though all had executed the same document. The parties shall be deemed to not agree if this Agreement is not signed and returned to the Idaho Department of Water Resources in Twin Falls, at 2148 4th Avenue E., Twin Falls, Idaho, by April 1, 1988.

III. The undersigned hereby bind themselves, their heirs, personal representatives, successors and assigns.

_____ Dated: _____

BUCKEYE FARMS, INC.

_____ Dated: _____

EDWARD D. SHOKAL

RECEIVED

SEP 27 1988

Dated:_____

RUTH C. SHOKAL

Dated:_____

MARNE MERCER, PRESIDENT
HAGERMAN VALLEY CITIZENS ALERT

Paul E. Watkins

Dated: 3-29-88

PAUL E. WATKINS

Inez S. Watkins

Dated: 3-29-88

INEZ S. WATKINS

Dated:_____

CLEAR LAKES TROUT &
FISHERIES DEVELOPMENT CO.

Dated:_____

W.A. SANDY, PRESIDENT
TROUTCO

9335m

MICROFILMED
SEP 27 1988

RECEIVED

MAR 29 1988

Department of Water Resources
Southern Region Office

February 26, 1988

Idaho Department of Water Resources
Twin Falls Office
2148 Fourth Avenue E.
Twin Falls ID 83301

RE: Buckeye Farms, Inc.
Applications for Water Permit Nos. 36-7740, 36-7741, 36-7742 and 36-8335

Gentlemen:

We have reviewed the above referenced water permit applications with Donnie McFadden, an agent for Buckeye Farms, Inc. He has acquainted us with the corporation's proposals to develop Bar S and Buckeye Ranch properties near Hagerman to use the waters diverted to the ranch for the additional purposes of fish propagation, recreation, aesthetics, and fish and wildlife habitat.

Mr. McFadden assures us that your Department will conduct hearings to determine the applicant's legal right to take the water for these purposes under the above referenced applications. He also assures us that the ranch owners will comply with all Health and Welfare regulations and that the development will result in an economic boost in the Hagerman area.

Since the proposals do not involve the creation of new diversion facilities from natural streams, the diversion of water which has not been traditionally diverted in the past on a year round basis, and all of the development will take place on private land, we see no negative impacts for Gooding County.

Respectfully submitted,

GOODING COUNTY COMMISSIONERS

RON HOHNHORST

Robert E. Tupper

ROBERT E. TUPPER

Robert P. Thackeray, Chmn.

ROBERT P. THACKERAY

MICROFILMED

SEP 27 1988

JAR/dcb
77011

RECEIVED

MAR 26 1988

Department of Water Resources
Southern Region Office

AGREEMENT

The undersigned agree to the withdrawal of their protests to Application No. 36-7742 if said permit is conditioned as follows:

I. Buckeye Farms, Inc. (hereinafter "Buckeye") shall be entitled to divert from Billingsley Creek from its existing diversion below Rangen's Hatchery into Curran Ditch all of its 20 cfs of water for irrigation and stock water purposes with a priority date of April 1, 1917; for fish propagation purposes with a priority date of August 1, 1977; and for recreation, aesthetics, fish propagation, and fish and wildlife habitat purposes with a priority date of September 24, 1987 (hereinafter "water rights"); except as follows:

A. Buckeye agrees to divert only 10 cfs of its water rights between February 1 and May 15 of each year so that the remainder of its water rights will be left in Billingsley Creek as a bypass flow for instream flow purposes or for diversion to nonconsumptive uses by others so long as the water is returned to Billingsley Creek immediately below the place of use.

1. In the event that there would be less than 20 cfs available at the existing diversion below Rangen's Hatchery into Curran Ditch for diversion under Buckeye's water rights as above described in Paragraph No. I between February 1 and May 15 of any year, the reduction will be taken from the bypass flow. e.g. If only 18 cfs were available, 8 would be left in Billingsley Creek and 10 would be diverted by Buckeye.

2. In the further event that future upstream junior diversions would be made from Billingsley Creek above the diversion of Buckeye as said diversion is described in Paragraph No. I above, resulting in less than 20 cfs being available for diversion and bypass as provided in this Agreement, the undersigned hereto shall be responsible for the protection of their own entitlement under this Agreement. e.g. If 20 cfs were otherwise available for diversion at Buckeye Farms' headgate to Curran Ditch at anytime between February 1 and May 15 except for an upstream diversion pursuant to a junior priority

MICROFILMED

SEP 27 1988

right, Buckeye shall be responsible for protection of its right to divert 10 cfs and the undersigned (except Buckeye) hereto shall be responsible for protecting the 10 cfs bypass.

B. Buckeye and the undersigned shall comply with the requirements of the Idaho Department of Water Resources so as to legally validate said bypass between February 1 and May 15 of each year, including but not limited to the following alternatives:

1. An amendment of Application No. 36-7742 to reflect the bypass right therein, together with an assignment of the appropriate portion of 36-7742 to the Idaho Water Resource Board for bypass flows between February 1 and May 15 as a public trustee; and/or

2. A change in nature of use and place of use to protect the priority date and use of said water right for bypass purposes under 36-7742; and/or

3. An assignment of the 10 cfs bypass right for the period of February 1 through May 15 annually as required by this Agreement, to the land immediately above the mouth of Billingsley Creek for aesthetic or other nonconsumptive beneficial purposes, so as to assure the bypass flow will remain in the drainage.

II. The parties agree that this Agreement may be executed in counterparts and will be effective as though all had executed the same document. The parties shall be deemed to not agree if this Agreement is not signed and returned to the Idaho Department of Water Resources in Twin Falls, at 2148 4th Avenue E., Twin Falls, Idaho, by April 1, 1988.

III. The undersigned hereby bind themselves, their heirs, personal representatives, successors and assigns.

_____ Dated: _____

BUCKEYE FARMS, INC.

_____ Dated: _____

EDWARD D. SHOKAL

MICROFILMED

SEP 27 1988

_____ Dated: _____

RUTH C. SHOKAL

Marne Mercer Dated: March 26, 1988

MARNE MERCER, PRESIDENT
HAGERMAN VALLEY CITIZENS ALERT

_____ Dated: _____

PAUL E. WATKINS

_____ Dated: _____

INEZ S. WATKINS

_____ Dated: _____

CLEAR LAKES TROUT &
FISHERIES DEVELOPMENT CO.

_____ Dated: _____

W.A. SANDY, PRESIDENT
TROUTCO

9335m

MICROFILMED
SEP 27 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
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142 3rd AVENUE NORTH
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TELEPHONE (208) 734-0700

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

RECEIVED
MAR 23 1988
Department of Water Resources
Southern Region Office

March 22, 1988

Marne Mercer, President
Hagerman Valley Citizens Alert
P.O. Box 32
Hagerman ID 83332

Mr. and Mrs. Edward D. Shokal
Rt. #1 Box 410
Hagerman ID 83332

W.A. Sandy, President
Troutco
Box 326
Hagerman ID 83332

Mr. Nyle Hoffman
Fisheries Development Company
E. of Hagerman
Hagerman ID 83332

Mr. and Mrs. Paul E. Watkins
Rt. #1 Box 412
Hagerman ID 83332

RE: Application No. 36-7742 -- Buckeye Farms, Inc.

I have had comment from all of you since the March 3, 1988, letter and draft.

Enclosed for each of you are two copies of the amended Agreement. One shows the changes in the first draft. If the new draft is acceptable, I would ask each of you to sign the unmarked draft and submit it to the Idaho Department of Water Resources, at 2148 Fourth Avenue E., Twin Falls, Idaho 83301, by April 1, 1988.

WATER FILED
MAR 27 1988

Thank you for your cooperation. If everyone agrees, I will ask the Idaho Department of Water Resources to copy you

with the assignment documents prepared to comply with Paragraph B.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT

JAR/dcb
80101

Enclosure

cc: William Ringert
William Nungester
Donnie McFadden
Stoney Burke

SEP 27 1988

RECEIVED
MAR 23 1988
Department of Water Resources
Southern Region Office

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WATER RIGHT
SEP 27 1988

Omitted 3 & 4

right, Buckeye shall be responsible for protection of its right to divert 10 cfs and the undersigned (except Buckeye) hereto shall be responsible for protecting the 10 cfs bypass.

B. Buckeye and the undersigned shall comply with the requirements of the Idaho Department of Water Resources so as to legally validate said bypass between February 1 and May 15 of each year, including but not limited to the following alternatives:

1. An amendment of Application No. 36-7742 to reflect the bypass right therein, together with an assignment of the appropriate portion of 36-7742 to the Idaho Water Resource Board for bypass flows between February 1 and May 15 as a public trustee; and/or

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II. The parties agree that this Agreement may be executed in counterparts and will be effective as though all had executed the same document. The parties shall be deemed to not agree if this Agreement is not signed and returned to the Idaho Department of Water Resources in Twin Falls, at 2148 4th Avenue E., Twin Falls, Idaho, by April 1, 1988.

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BUCKEYE FARMS, INC.

_____ Dated: _____

EDWARD D. SHOKAL

MICROFILMED

SEP 27 1988

_____ Dated: _____

RUTH C. SHOKAL

_____ Dated: _____

MARNE MERCER, PRESIDENT
HAGERMAN VALLEY CITIZENS ALERT

_____ Dated: _____

PAUL E. WATKINS

_____ Dated: _____

INEZ S. WATKINS

_____ Dated: _____

CLEAR LAKES TROUT &
FISHERIES DEVELOPMENT CO.

_____ Dated: _____

W.A. SANDY, PRESIDENT
TROUTCO

9335m

UNCLASSIFIED

SEP 27 1988

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MICROFILMED

SEP 27 1988

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BUCKEYE FARMS, INC.

_____ Dated: _____

EDWARD D. SHOKAL

RECEIVED

SEP 27 1988

_____ Dated: _____

RUTH C. SHOKAL

_____ Dated: _____

MARNE MERCER, PRESIDENT
HAGERMAN VALLEY CITIZENS ALERT

_____ Dated: _____

PAUL E. WATKINS

_____ Dated: _____

INEZ S. WATKINS

_____ Dated: _____

CLEAR LAKES TROUT &
FISHERIES DEVELOPMENT CO.

_____ Dated: _____

W.A. SANDY, PRESIDENT
TROUTCO

9335m

MISCELLANEOUS
SEP 27 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
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BOISE, IDAHO 83702-2139
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March 15, 1988

RECEIVED
MAR 15 1988
Department of Water Resources
Southern Region Office

Idaho Department of Water Resources
Twin Falls Office
2148 Fourth Avenue E.
Twin Falls ID 83301

ATTN: Loren Holmes

RE: Buckeye Farms, Inc.
Applications for Water Permit Nos. 36-7740, 36-7741, 36-7742 and 36-8335

Dear Mr. Holmes:

In compliance with Water Appropriation Rule 4,5,3,5,1., enclosed please find a letter from the Department of Health & Welfare together with a letter from Blaine County Title Inc. in regard to the above entitled Applications for Permit.

Also enclosed is a copy of a letter from the Gooding County Commissioners. We are in the process of securing the signatures for said letter. I will keep you informed as to the progress of such.

If you have any questions, please advise.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
79101

Enclosures

cc: Bob Fleenor

MICROFILMED
SEP 27 1988

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENTAL QUALITY
P. O. Box 1626
Twin Falls, Idaho 83303-1626

February 29, 1988

RECEIVED
MAR 15 1988
Department of Water Resources
Southern Region Office

Bill Block
J-U-B Engineers
800 Falls Avenue
North Plaza Offices, Suite #1
Twin Falls, Idaho 83301

Re: Fish and Wildlife Enhancement Project for the Bar S and Buckeye Ranches, Gooding County, Idaho

Dear Mr. Block:

We have reviewed the fish and wildlife habitat enhancement project planned for the Bar S and Buckeye Ranches property near Hagerman. It is our understanding of this proposal, that water from existing water rights will be diverted through ponds that will be constructed to increase available fish and wildlife habitat on this property. Furthermore, fish will not be commercially reared in any of the proposed ponds.

The development of these pond series as planned should not negatively impact State waters of Idaho. There is a potential for short-term turbidity impacts during construction, but these should be minimized using proper construction techniques to prevent or control erosion. Discharges from any of the pond series to surface waters must not result in violations of Idaho Water Quality Standards and Wastewater Treatment Requirements. Any proposal in the future to utilize these ponds for commercial fish rearing must be reviewed by the IDHW-Division of Environmental Quality and appropriate NPDES permits issued by EPA.

ASSESS FILE COPY
SEP 27 1988

Thank you for the opportunity to review this proposal.

Sincerely,

Michael J. McMasters

Michael J. McMasters
Source Control Field Officer

MJM/ta

EQUAL OPPORTUNITY EMPLOYER

cc: Robert L. Braun

BLAINE COUNTY TITLE INC.

P.O. BOX 3176, KETCHUM, IDAHO 83340
(208) 726-0700

February 25, 1988

RECEIVED
MAR 15 1988
Boise Region Office

Idaho Department of Water Resources
HAND DELIVER TO JOHN A. BURKE

RE: Order No. 1669/The Buckeye Ranch

Sir:

This letter is being written at the request of John A. (Stoney) Burke of Sun Valley Associates. In September of 1987, Blaine County Title, Inc. closed a transaction wherein Buckeye Farms, Inc. purchased a parcel of land in Hagerman, Idaho. I have attached a copy of the legal description. The property was transferred to Buckeye Farms, Inc. free and clear of any liens and/or encumbrances.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

BLAINE COUNTY TITLE, INC.

Sheila Liermann
Vice President

Enc./skl

cc: Sun Valley Associates - Stoney Burke

MICROFILMED
SEP 27 1988

G 00561
D 577136

SCHEDULE C

The land referred to in this policy is situated in the State of Idaho
County of Gooding and is described as follows:

Parcel No. 1:

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 23: SW¼;
Section 26: N½NW¼; W½NE¼; W½SE¼; SE¼SE¼; E½SW¼; SW¼SW¼; SE½NW¼;
EXCEPTION THEREFROM a parcel of land described as follows:

Beginning at the Southwest corner of the NE¼SE¼ of said Section 26;

Thence North and parallel with the East line of Section 26 to the Northwest corner of the NE¼NE¼ of Section 26;

Thence West along the North line of said Section 26 to a point which is 30 feet West of the West bank of the Big Bend Ditch;

Thence Southerly along a line running 30 feet West of the West bank of said Big Bend Ditch to a point which is directly West of the Southwest corner of the NE¼SE¼ of said Section 26;

Thence East and parallel with the North line of Section 26 to THE POINT OF BEGINNING.

Section 35: NE¼; E½NW¼; NW¼NW¼; N½SE¼; NE¼SW¼;
EXCEPTING THEREFROM the following land:
Beginning at the Northeast corner of SE¼SE¼ of said Section 35;

Thence North along said Section line 3440 feet;
Thence West 1201 feet;
Thence in a Southeasterly direction 3531 feet, more or less, to a point on the North line of the SE¼SE¼, 401 feet West of THE POINT OF BEGINNING;
Thence East 401 feet to THE POINT OF BEGINNING.

EXCEPT 25 feet of public road right of way across:
East side of the SE¼SE¼ Section 26;
East side of E½NE¼ and NE¼SE¼ Section 35 and West side of NW¼NW¼ Section 36;
Conveyed to State of Idaho by Deed recorded in Book 1 of Deeds Page 434, Gooding County records.

AND EXCEPT tract of land for Highway purposes across SE¼SE¼ of Section 26, the NW¼NW¼ of Section 36 and a portion of the NE¼NE¼ of Section 35 all in Township 7 South, Range 13, East Boise Meridian as set forth in Deed to State of Idaho, dated July 12, 1962, recorded December 5, 1962 as Instrument Number 6315, Gooding County records.

WITHDRAWN
SEP 27 1988

continued

Parcel No. 2:

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho
Section 27: S½SW¼; S½SE¼;

AND

Lots 43 through 75, inclusive; Lots 78 through 102, inclusive; Lots 107 through 121, inclusive; and Lots 126 through 131, inclusive, of Buckeye Ranch, Gooding County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County,
EXCEPTING THEREFROM that part of Buckeye Ranch contained within Government Lot 9 of Section 33, Township 7 South, Range 13, East Boise Meridian.

(End of Schedule C)

MICROFILMED
SEP 27 1988

RECEIVED
MAR 1988
Water Resources
Office

February 26, 1988

Idaho Department of Water Resources
Twin Falls Office
2148 Fourth Avenue E.
Twin Falls ID 83301

RE: Buckeye Farms, Inc.
Applications for Water Permit Nos. 36-7740, 36-7741, 36-7742 and 36-8335

Gentlemen:

We have reviewed the above referenced water permit applications with Donnie McFadden, an agent for Buckeye Farms, Inc. He has acquainted us with the corporation's proposals to develop Bar S and Buckeye Ranch properties near Hagerman to use the waters diverted to the ranch for the additional purposes of fish propagation, recreation, aesthetics, and fish and wildlife habitat.

Mr. McFadden assures us that your Department will conduct hearings to determine the applicant's legal right to take the water for these purposes under the above referenced applications. He also assures us that the ranch owners will comply with all Health and Welfare regulations and that the development will result in an economic boost in the Hagerman area.

Since the proposals do not involve the creation of new diversion facilities from natural streams, the diversion of water which has not been traditionally diverted in the past on a year round basis, and all of the development will take place on private land, we see no negative impacts for Gooding County.

Respectfully submitted,

GOODING COUNTY COMMISSIONERS

MICROFILMED
SEP 27 1988

ROBERT P. THACKERAY

ROBERT E. TUPPER

RON HOHNHORST

JAR/dcb
77011

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
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RECEIVED
MAR 4 1988
Department of Water Resources
Southern Region Office

March 3, 1988

Marne Mercer, President
Hagerman Valley Citizens Alert
P.O. Box 32
Hagerman ID 83332

Mr. and Mrs. Edward D. Shokal
Hagerman ID 83332

W.A. Sandy, President
Troutco
Box 326
Hagerman ID 83332

Mr. Nyle Hoffman
Fisheries Development Company
E. of Hagerman
Hagerman ID 83332

Mr. and Mrs. Paul E. Watkins
Rt. #1 Box 412
Hagerman ID 83332

RE: Application No. 36-7742 -- Buckeye Farms, Inc.

The attached draft is an attempt to set forth an agreement to accomplish those things we talked about at the conference on March 1 in Hagerman.

While I tried to hurriedly write a proposal following that conference, it is obvious there are other questions that need to be answered by the Agreement. Consequently, I have attempted to anticipate all of the possibilities that might occur in regard to the proposal of yesterday.

I would appreciate your input concerning the attached draft within the next week so that we could end up with a final draft and circulate the same for execution.

MICROFILMED
SEP 27 1988

Don't hesitate to call me with your recommendations or mark the drafts that are enclosed and return the same to me.

Thanks for your help.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT

JAR/dcb
78001

Enclosure

cc: William Ringert
William Nungester
Donnie McFadden
Stoney Burke

MICROFILMED
SEP 27 1988

RECEIVED
MAR 4 1988
Department of Water Resources
Southern Region Office

AGREEMENT

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MICROFILMED
SEP 27 1988

protection of its right to divert 10 cfs and the other parties hereto shall be responsible for protecting the 10 cfs bypass.

3. In the event that there is an abandonment or forfeiture of water rights diverted above or at Buckeye's Curran Ditch diversion which would make more water available for diversion by Buckeye between February 1 and May 15, while still filling the 10 cfs bypass flow, Buckeye shall be entitled to divert up to a maximum of 20 cfs under its water rights.

4. None of the parties hereto shall hereafter allege forfeiture or abandonment of Buckeye's water rights for the period of February 1 through May 15 by reason of the bypass flow.

B. Buckeye and the undersigned shall comply with the requirements of the Idaho Department of Water Resources so as to legally validate said bypass between February 1 and May 15 of each year, including but not limited to the following alternatives:

1. An amendment of Application No. 36-7742 to reflect the bypass right therein, together with an assignment of the appropriate portion of 36-7742 to the Idaho Water Resource Board for bypass flows between February 1 and May 15 as a public trustee, and a change in nature of use and place of use to protect the priority date and use of said water right for bypass purposes under 36-7742; or

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II. The parties agree that this Agreement may be executed in counterparts and will be effective as though all had executed the same document. The parties shall be deemed to not agree if this Agreement is not signed and returned to the Idaho Department of Water Resources in Twin Falls, at 2148 4th Avenue E., Twin Falls, Idaho, by March 15, 1988.

MICROFILMED

SEP 27 1988

III. The parties hereto bind their heirs, personal representatives, successors and assigns.

_____ Dated: _____
BUCKEYE FARMS, INC.

_____ Dated: _____
EDWARD D. SHOKAL

_____ Dated: _____
RUTH C. SHOKAL

_____ Dated: _____
MARNE MERCER, PRESIDENT
HAGERMAN VALLEY CITIZENS ALERT

_____ Dated: _____
PAUL E. WATKINS

_____ Dated: _____
INEZ S. WATKINS

_____ Dated: _____
CLEAR LAKES TROUT &
FISHERIES DEVELOPMENT CO.

_____ Dated: _____
W.A. SANDY, PRESIDENT
TROUTCO

9335m

MICROFILMED
SEP 27 1988

Re: Buckeye Farms, Inc. 36-7740, 36-7741, 36-7742, 36-8355

Place: American Legion Hall Hagerman, ID

Date: 10:00 a.m., March 1, 1988

Hearing Officer Bob Fleenor

Assisted by Loren Holmes

ROSTER OF ATTENDANCE

Name	Address	Representing
William E. Flint	Hagerman	Self
Edward C. Shakal	RT#1 Box 410 Hagerman	Private Party
MARNE MERCER	919 Justice Grade, Hagerman	Citizens Alert
David D. Joerger	800 FALLS AVE. T.F.	J-U-B ENGRS.
Dennis Zimmerman	" " " "	" "
Fletcher Hopkins	919 Justice Grade, Hagerman	Self and Wife
Mr. and Mrs. Cal Eckles	HC 55 Box 12555 Flint Idaho	Riverside Ranches
Floyd Hoffman	Route #1 Filer, Id.	Self
Mike Timmens	RT 4 Buhl, Id	Fish Breeders of Id.
Jill Joseph	RR#1 Box 254 Hagerman	Self
Marge E. Joseph	R.#1, Box #254, Hagerman	Self
Ruth Shakal	Rt. 1, Box 410 Hagerman	Self
Vera Flint	RT 1 Box 414 Hagerman	self
John A. Burke	Box 326, S.C. IDAHO	Buckeye Farms, Inc
J.G. Boswell	Box 413 Ketchum "	Buckeye Farms Inc
Kew Ellis	Rt 5 Box 5053 Buhl, Id	Aqua Life Corp
Daryl Tadlock	Rt 5 Box 5053 Buhl ID	Aqua life corp
Robert Tuppen	R.F.D Box 1110 Hagerman	Woodlin Co. Comm.
Richard [illegible]	Box 22 RT#1 Hagerman Id.	Sand's Ditch Water User's
Myrtle (Elaine) T. Boyer	P.O. Box 232 Hagerman	Self
Maxine Mercer	919 Justice Grade	Self
Stanley Workers	2856 S 900 E Hagerman	Self
Paul E. Watkins	Rt. 1 Box 412 Hagerman, Id	Self

RECEIVED
SEP 27 1988

Place:

Date:

Hearing Officer _____

Assisted by _____

ROSTER OF ATTENDANCE

Name	Address	Representing
Barbara J Harbour	Hagerman	Self
Virgil Grandy	Hagerman, Id.	Trust Co
John Grandy	Hagerman, Id.	Trust Co
John W. Jones Jr.	Box 265 Hagerman Id	Self
Betty Hackwell	Hagerman Id	Self & Buckeye
Edna M. Rae	Wendell, Id	Ward Bell Trustee Estate
Denis G Bell	Hagerman	
Burt Holmes	"	Rock Lodge
Dan Gage	Bliss	Self.
Wm L Nungester	Box 389 Twin Falls	Trustee, Grant Sandy, et al
Fred Wooster	P.O. Box 1616, Twin Falls	Verl Bell & Edna Rae, et al
Terry L. Uhling	P.O. Box 1906, Twin Falls	Buckeye
John Rashleff	P.O Box 1906, T.F.	"

MICROFILMED
SEP 27 1988

BUCKEYE FARMS INC. APPLICATIONS
LIST OF PROTESTANTS

6.5 Weatherby Springs
[24] Riley Ck. - Hunt Ditch
Curran Ditch Billingsley Ck 20cfs
Buckeye Ditch 12 cfs Billingsley Ck
Submitted at conference record

NAME	APPLICATION NO. 36-7740	36-7741	36-7742	36-8335
Stanley & Barbara Hoskovec	X			
Richard L. Cook, President, Sands ditch	X		X P	X
Patsy Dunn, Secretary, Riverside Ranches	X	X	~~X~~	X
Dale Boyer	X		~~X~~	X
Edward D. & Ruth C. Shokal	X	X	X P	X P
H.L. "Burt" Holmes	X		~~X~~	X
Calvin & Myrle Eckles Riverside Ranches	X	X	~~X~~	X
Laurence J. Smith	X	X	X P	X
Verl C. Bell	X			
Edna M. Rea — withdrawn (36-8335) 2/29/88	X			
Weatherby Springs Water Users	X			
Mrs. Stanley Hoskovec	X		X	
Hagerman Valley Citizens' Alert	X	X	X P	X
Robert M. Strom	X			
Paul E. & Inez S. Watkins		→ X	X P	X P
Clear Lakes Trout Co. & Fisheries Development Co.	X		X P	X
Bruce H. & Denny Tyler	X		~~X~~	X
~~Ancie P. Bell~~ withdrawn 2/29/88				X
TroutCo.	X		X P	X
~~Id. Dept. of Fish & Game*~~ Withdrawn 2/26/88		X	~~X~~	
Thousand Springs Trout Co.*	X			
~~Jones & Sandy*~~ Walter R. Jones	X			

* Parties carried forward from original hearings

MICROFILMED
SEP 27 1988

O = Copy of Protest in File.

BUCKEYE FARMS INC. APPLICATIONS
LIST OF PROTESTANTS

6.5 Weatherby Springs — 24 Riley Ck. - Hunt Ditch — 20 cfs Curran Ditch Billings Ck — 12 cfs Buckaroo Ditch Billings Ck — Submitted on Conference

NAME	APPLICATION NO. 36-7740	36-7741	36-7742	36-8335
* Stanley & Barbara Hoskovec	~~X~~			
* Richard L. Cook, President, Sands ditch	X		XP	X
Patsy Dunn, Secretary, * Riverside Ranches (Withdrew Protest)	X	X	~~X~~	X
* Dale Boyer (Mrs. Dale Boyer)	X		~~X~~	X
* Edward D. & Ruth C. Shokal	X	X	XP	XP
* H.L. "Burt" Holmes	X		~~X~~	X
* Calvin & Myrle Eckles Riverside Ranches	X	X	~~X~~	X
* Laurence J. Smith (on Record, did not sign Roster)	X	X	XP	X
* Verl C. Bell — Fred Decker	X			
* Edna M. Rea — withdrew (36-8335) 2/29/88	X			
* Weatherby Springs Water Users — Fred Decker, Verl & Ancie Bell	X			
* Mrs. Stanley Hoskovec Betty Hoskovec	X		X	
* Hagerman Valley Citizens' Alert	X	X	XP	X
Robert M. Strom	X			
* Paul E. & Inez S. Watkins		X	XP	XP
* Clear Lakes Trout Co. & Fisheries Development Co. Nungester	X		XP	X
Bruce H. & Denny Tyler (Did not claim Hrg Notice)	X		~~X~~	X
~~* Ancie P. Bell~~ Withdrawn 2/29/88				X
* TroutCo. - Nungester	X		XP	X
~~Id. Dept. of Fish & Game*~~ Withdrawn 2/26/88		X	~~X~~ W	
Thousand Springs Trout Co.* Mike Fennen	X			
~~* Jones & Sandy~~ John W. Jones Jr. Nungester.	X			

* Parties carried forward from original hearings

MICROFILMED
SEP 27 1988

RECEIVED
FEB 29 1988
Department of Water Resources
Western Region Office

First Security Bank of Idaho
NATIONAL ASSOCIATION
MEMBER FIRST SECURITY CORPORATION SYSTEM OF BANKS
POST OFFICE BOX 2117
KETCHUM, IDAHO 83340
726-9381

February 25, 1988

Idaho Department of Water Resources
Twin Falls Office
2148 Fourth Avenue E.
Twin Falls, ID 83301

RE: Buckeye Farms, Inc.

Gentlemen:

We are the depository for Buckeye Farms, Inc., an Idaho corporation. We also bank several of the stockholders of the corporation individually. Please be advised that at the present time Buckeye Farms, Inc. has in excess of $475,000.00 on deposit with our institution. We are advised that this is the maximum estimated cost of the work proposed for the properties they have purchased in the Hagerman Valley.

In the event that their deposit situation changes, this bank would be willing to entertain an application for a loan to commit the necessary funds based on the financial strength of the stockholders involved.

We would be happy to answer any further specific questions upon an authorization form from the corporation or the individuals involved.

Sincerely,

C. Richard Sams
Manager

CC: Ed Dumke

MICROFILMED
SEP 27 1988

IDAHO FISH & GAME

Region 4
868 E. Main, P.O. Box 428
Jerome, Idaho 83338
Telephone: (208) 324-4350

RECEIVED
FEB 29 1988
Department of Water Resources
Southern Region Office

February 25, 1988

Loren Holmes
Department of Water Resources
2148 4th Ave. East
Twin Falls, ID 83301

Re: Protests on Water Applications No. 36-7741, Riley Creek Through the Hunt Ditch and 36-7742 Billingsley Creek through the Curren Ditch

Dear Loren:

The Idaho Department of Fish and Game withdraws its protests of said applications. Both applications involve decreed water rights and adequate flow records are lacking on both the Hunt and Curren ditches. Therefore, it would be extremely difficult, if not impossible, to accurately determine past water uses.

Also, some public benefits could be derived from both diversions through increased waterfowl holding areas. Even though these areas would be on private property, sportsmen would benefit from waterfowl leaving the area to feed. Through overflow and seepage, the flows through the Curren Ditch could aid in keeping the water levels up in the West Highway Pond at the Hagerman Wildlife Management Area and might even allow raising the water levels in this pond in the future.

Sincerely,

Carl H. Nellis
Supervisor, Region 4

CHN:ar

cc: Bureau of Fisheries

MICROFILMED
SEP 27 1988

EQUAL OPPORTUNITY EMPLOYER

LAW OFFICES

HEPWORTH, NUNGESTER, FELTON, AND LEZAMIZ, CHARTERED

BLICK BUILDING — 133 SHOSHONE STREET NORTH
Post Office Box 389
TWIN FALLS, IDAHO 83303-0389
TELEPHONE (208) 734-7510

A Professional Corporation

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
JOHN T. LEZAMIZ
JEFFREY E. ROLIG
JOHN C. HOHNHORST
J. CHARLES HEPWORTH
PENELOPE PARKER-KIMBER
JEFF HEPWORTH
RODNEY T. BUTTARS

D. Brent Martens (1949-1986)

BUHL OFFICE
Professional Center — 1020 Main
Post Office Box 589
Buhl, Idaho 83316-0589
Telephone (208) 543-4368

January 15, 1988

OUR FILE NUMBER

RECEIVED
FEB 9 1988
Department of Water Resources
Southern Region Office

Director, Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, Idaho 83301

RE: Application of Buckeye Farms, Inc.
36-7740, 36-7741 and 36-8335

Gentlemen:

In a recent letter to you we refer to our clients' water rights as being in the names of Jones and Sandy Livestock. We are simply writing to advise that the land referred to in our letter, and the land to which certain water rights will be appurtenant are now in the name of John W. Jones, Jr. and Delores D. Jones, husband and wife, whose address is Box 265, Hagerman, Idaho 83332. I would appreciate your records reflecting this change in name and the address change for any correspondence you might send out or any notices that might be forthcoming.

I would appreciate a letter or phone call acknowledging receipt of this letter and advising me if there is any reason for us to do anything further.

Very truly yours,

HEPWORTH, NUNGESTER, FELTON
& LEZAMIZ

John C. Hepworth

JCH:mja

MICROFILMED
SEP 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

February 9, 1988

Frank Erwin
North Highway 30
Hagerman, ID 83332

Dear Mr. Erwin:

This is to confirm the use of the American Legion Hall for conference and/or hearing to be held by this office on Tuesday, March 1,1988 from 10:00 a.m. until 5:00 p.m.

Thank you very much for your cooperation.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

MICROFILMED
SEP 27 1988

NAME AND ADDRESS OF SENDER: IDWR

2/8/88

36-7740
36-7741
Re: Buckeye 36-7742, 36-8335

Indicate type of mail
- ☐ Registered
- ☐ Insured
- ☐ COD
- ☒ Certified

I certify that we have
- ☐ Commercial Insurance
- ☐ A deductible clause of $

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

LINE	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE / REMARKS
1	372	Stanley & Barbara Voskovec	.39	.70	.75						
2	373	Sande Ditch Waterusers Assoc. (Richard Cook)									
3	374	Riverside Ranches, Inc (Patsy Dunn)									
4	375	Dale Boyer									
5	376	Edward & Ruth Shokal									
6	377	Burt Holmes									
7	378	Calvin & Myrle Eckles									
8	379	Laurence J. Smith									
9	380	Verl C. Bell									
10	381	Edna M. Rea									
11	382	Weatherby Spgs. Water Users (Vern Bell									
12	383	Mrs. Stanley Voskovec									
13	384	Hagerman Valley Citizens Alert (M. Mercer)									
14	385	Robert M. Strom									
15	386	Paul E. & Inez S. Watkins									

RECEIVED SEP 27 1988

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	*POSTMASTER, PER (Name of receiving employee)*
Continued		

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to $1,000 or the full amount of the deductible if the deductible exceeds $1,000. The maximum indemnity payable is $25,000 for registered mail, $400 for COD and $400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

PS Form 3877 April 1980

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER

- P. 2 - Buckeye

37-7740
37-7741
37-7742
37-8335

Indicate type of mail
- ☐ Registered
- ☐ Insured
- ☐ COD
- ☒ Certified

I certify that we have
- ☐ Commercial Insurance
- ☐ A deductible clause of $

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

LINE	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE / REMARKS
1	387	Clear Lakes Trout Co. (W.F. Rydgert)	.39	.70	.75						
2	388	Bruce & Penny Tyler									
3	389 ✓	Ancie P. Bell									
4	390 ✓	Trout Co. (W. A. Sandy)									
5	391 ✓	John Rosholt									
6	392 ✓	Id. Fish & Game									
7	393 ✓	Thousand Spgs Trout									
8	394 ✓	Jones & Sandy (W.m. Nungester)									
9	395 ✓	Fred Decker, Atty for Verl Bell									
10	396	Buckeye Farms, Inc.									
11											
12											
13											
14											
15											

1.84 ea

RECEIVED SEP 27 1986

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	*POSTMASTER, PER (Name of receiving employee)*
25		

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to $1,000 or the full amount of the deductible if the deductible exceeds $1,000. The maximum indemnity payable is $25,000 for registered mail, $400 for COD and $400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

PS Form 3877 April 1980

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

☆ U.S. GOVERNMENT PRINTING OFFICE : 1980 O - 317-867

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST THE APPROVAL OF APPLICATIONS FOR PERMIT NUMBERS 36-7740, 36-7741, 36-7742, AND 36-8335 IN THE NAME OF BUCKEYE FARMS INC.	NOTICE OF CONFERENCE AND HEARING SOURCES: 36-7740 - Weatherby Springs 36-7741 - Riley Creek 36-7742 - Billingsley Creek 36-8335 - Billingsley Creek COUNTY: Gooding

You are hereby notified that hearings on application numbers 36-7740, 36-7741, 36-7742, and 36-8335 have been set for March 1, 1988 commencing at 10:00 AM in Hagerman at the American Legion Hall, on State Street (Hwy 30) across from the High School. The applications will be heard in the order listed above unless otherwise ordered by the hearing officer.

Attached to this notice are listings of the information contained in the applications, lists of the parties, and conference/hearing information.

A prehearing conference will be held prior to hearing of testimony on the applications. The purposes of the conference, among others, will be to determine the issues which concern the parties, discuss the order in which the hearings will proceed, and to discuss methods to avoid duplicate presentation of evidence.

The conference and hearing will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

Dated this 8 day of February, 1988.

See File
36-8335
For Certified
Mail Records

MAILED
SEP 27 1988

Loren O. Holmes
Southern Region Manager

BUCKEYE FARMS APPLICATIONS
36-7740, 36-7741, 36-7742, 36-8335
LIST OF PARTIES

Stanley & Barbara Hoskovec
2856 S, 900 East
Hagerman, ID 83332

Verl C. Bell
Rt. 1, Box 42
Hagerman, ID 83332

Richard L. Cook,President
Sands Ditch Water Users Assoc.
Hagerman, ID 83332

Fred D. Decker
Attorney for Verl Bell
P.O. Box 66
Twin Falls, ID 83301-0066

Patsy Dunn,Secretary
Riverside Ranches, Inc.
816 Park Lane
Pocatello, ID 83201

Edna M. Rea
P.O.Box 543
Wendell,ID 83355

Dale Boyer
Hagerman, ID 83332

Weatherby Sprs. Water Users
Verl C. Bell, President
Rt. 1, Box 42
Hagerman, ID 83332

Edward D. & Ruth C. Shokal
Hagerman, ID 83332

Mrs. Stanley Hoskovec
Rt. 1, Box 50
Hagerman, ID 83332

H.L. "Burt" Holmes
Rt. 1
Hagerman, ID 83332

Hagerman Valley Citizens Alert
Marne Mercer, President
P.O. Box 32
Hagerman, ID 83332

Calvin & Myrle Eckles
HC60, Box 1255
Bliss, ID 83314

Robert M. Strom
931 E. Justice Grade
Hagerman, ID 83332

Laurence J. Smith
HC60, Box 1255
Bliss, ID 83314

Paul E. & Inez S. Watkins
Rt. 1, Box 412
Hagerman, ID 83332

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SEP 27 1988

BUCKEYE FARMS APPLICATIONS
36-7740, 36-7741, 36-7742, 36-8335
LIST OF PARTIES

Clear Lakes Trout Co. &
Fisheries Development Co.
c/o W.F. Ringert, Attorney
P.O. Box 2773
Boise, ID 83701

Bruce H. & Denny Tyler
P.O. Box 567
Hagerman, ID 83332

Ancie P. Bell
Rt. 2, Box 42
Hagerman, ID 83332

TroutCo.
W.A. Sandy, President
Box 326
Hagerman, ID 83332

Buckeye Farms Inc.
P.O. Box 2199
Sun Valley, ID 83353

John A. Rosholt
Attorney for Buckeye Farms
P.O. Box 1906
Twin Falls, ID 83301

Id. Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Thousand Springs Trout Co.
Box 232
Buhl, ID 83316

Jones & Sandy
c/o William L. Nungester
P.O. Box 589
Buhl, ID 83316

MAILED
SEP 27 1988

BUCKEYE FARMS INC. APPLICATIONS
LIST OF PROTESTANTS

NAME	APPLICATION NO. 36-7740	36-7741	36-7742	36-8335
Stanley & Barbara Hoskovec	X			
Richard L. Cook, President, Sands ditch	X		X	X
Patsy Dunn,Secretary, Riverside Ranches	X	X	X	X
Dale Boyer	X		X	X
Edward D. & Ruth C. Shokal	X	X	X	X
H.L. "Burt" Holmes	X		X	X
Calvin & Myrle Eckles	X	X	X	X
Laurence J. Smith	X	X	X	X
Verl C. Bell	X			
Edna M. Rea	X			
Weatherby Springs Water Users	X			
Mrs. Stanley Hoskovec	X		X	
Hagerman Valley Citizens' Alert	X	X	X	X
Robert M. Strom	X			
Paul E. & Inez S. Watkins		X	X	X
Clear Lakes Trout Co. & Fisheries Development Co.	X		X	X
Bruce H. & Denny Tyler	X		X	X
Ancie P. Bell				X
TroutCo.	X		X	X
Id. Dept. of Fish & Game*		X	X	
Thousand Springs Trout Co.*	X		X	
Jones & Sandy*	X			

* Parties carried forward from original hearings

RECEIVED
SEP 27 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LISTING OF WATER RIGHTS

02/08/88

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	MAXIMUM DIVERSION	STAGE
36-7740	BUCKEYE FARMS, INC. P.O. BOX 2199 SUN VALLEY, ID 83332	08-04-1977	WILDLIFE	01-01	12-31	6.50 CFS	APPLICATION
			FISH PROPAGATION	01-01	12-31	6.50 CFS	
			RECREATION	01-01	12-31	6.50 CFS	
			AESTHETIC	01-01	12-31	6.50 CFS	
						6.50 CFS TOTAL	
						AFA TOTAL	

SOURCE: WEATHERBY SPRINGS TRIBUTARY: BILLINGSLEY CREEK

REMARKS: P/U FOR AESTHETICS & RECREATION SAME AS WILDLIFE

POINT OF DIVERSION: STREAM INDEX:
T07S R14E S30 NESW NO INDEX CODE

PLACE OF USE: WILDLIFE

T07S R13E S26	NESW	SWSW	SESW					
S27	SWSW	SESW	SWSE	SESE				
S33	SWNE	SENE	NESE	NWSE	SESE			
S34	NENE	NWNE	SWNE	SWNW	SENW	NWSW	SWSW	
S35	NENE	NWNE	SWNE	NWNW	SWNW	SENW		

PLACE OF USE: FISH PROPAGATION
T07S R13E S34 SWNW

PLACE OF USE: RECREATION SAME AS OTHER USE

PLACE OF USE: AESTHETIC SAME AS OTHER USE

36-7741	BUCKEYE FARMS, INC. P.O. BOX 2199 SUN VALLEY, ID 83353	08-04-1977	WILDLIFE	01-01	12-31	24.00 CFS	APPLICATION
			FISH PROPAGATION	01-01	12-31	24.00 CFS	
			RECREATION	01-01	12-31	24.00 CFS	
			AESTHETIC	01-01	12-31	24.00 CFS	
						24.00 CFS TOTAL	
						AFA TOTAL	

SOURCE: RILEY CREEK TRIBUTARY: SNAKE RIVER

REMARKS: P/U FOR AESTHETICS & RECREATION SAME AS WILDLIFE

POINT OF DIVERSION: STREAM INDEX:
T08S R13E S01 SWNE NO INDEX CODE

PLACE OF USE: WILDLIFE

T07S R13E S33	NENE	NWNE	SWNE	SENE	NESE	NWSE	SESE
S34	NESW	NWSW	SWSW	NESE	NWSE		

SEP 27 1988

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	MAXIMUM DIVERSION	STAGE
36-7741	PLACE OF USE: FISH PROPAGATION T07S R13E S34 SENW NESW						
	PLACE OF USE: RECREATION	SAME AS OTHER USE					
	PLACE OF USE: AESTHETIC	SAME AS OTHER USE					
36-7742	BUCKEYE FARMS, INC. P.O. BOX 2199 SUN VALLEY, ID 83353	08-04-1977	WILDLIFE FISH PROPAGATION RECREATION AESTHETIC	01-01 01-01 01-01 01-01	12-31 12-31 12-31 12-31	20.00 CFS 20.00 CFS 20.00 CFS 20.00 CFS 20.00 CFS TOTAL AFA TOTAL	APPLICATION
	SOURCE: BILLINGSLEY CREEK	TRIBUTARY: SNAKE RIVER					
	REMARKS: P/U FOR AESTHETIC & RECREATION SAME AS WILDLIFE						
	POINT OF DIVERSION: STREAM INDEX: T07S R14E S31 SWNE NO INDEX CODE						
	PLACE OF USE: WILDLIFE T07S R13E S26 NESW SWSW SESW S27 SWSW SESW SWSE SESE S33 SWNE SENE NESE NWSE SESE S34 NENE NWNE SWNE SWNW SENW NWSW S35 NENE NWNE SWNE NWNW SWNW SENW						SWSW
	PLACE OF USE: FISH PROPAGATION T07S R13E S34 SWNW						
	PLACE OF USE: RECREATION	SAME AS OTHER USE					
	PLACE OF USE: AESTHETIC	SAME AS OTHER USE					
36-8335	BUCKEYE FARMS, INC. P.O. BOX 2199 SUN VALLEY, ID 83353	09-24-1987	WILDLIFE RECREATION AESTHETIC	01-01 01-01 01-01	12-31 12-31 12-31	12.00 CFS 12.00 CFS 12.00 CFS 12.00 CFS TOTAL 8687.73 AFA TOTAL	APPLICATION
	SOURCE: BILLINGSLEY CREEK	TRIBUTARY: SNAKE RIVER					
	OTHER USES: W/VARIABLE						
	REMARKS: SEND CORRESPONDENCE TO: JOHN ROSHOLT, ATTORNEY						

SEP 27 1988

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	MAXIMUM DIVERSION	STAGE

36-8335 REMARKS: P.O. BOX 1906; TWIN FALLS, ID 83303-1906

POINT OF DIVERSION: STREAM INDEX:
T07S R13E S11 SENE NO INDEX CODE

PLACE OF USE: WILDLIFE

T07S R13E S28	SESW	SWSE	SESE			
S33	SWNE	SENE	NESE	NWSE	SESE	
S34	NWSW	SWSW				

PLACE OF USE: FISH PROPAGATION
T07S R13E S34 SWNW

PLACE OF USE: RECREATION SAME AS OTHER USE

PLACE OF USE: AESTHETIC SAME AS OTHER USE

SEP 27 1988

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Southern Region Office

February 3, 1988

Calvin and Myrle Eckles
HC 60, Box 1255
Bliss ID 83314

RE: Your Protests of Water Applications 36-7740, 36-7741, 36-7742 and 36-8335

Dear Mr. and Mrs. Eckles:

This firm represents Buckeye Farms concerning their recent water filings in Hagerman Valley. We note your protest of all four applications. However, I am having some problem analyzing your protest. As I understand your letter dated December 9, 1987, to the Department, your concern with the diversions is that they would reduce waters otherwise available to your trout facility during the irrigation season.

All of the water which is the subject of the above listed permits, 6.5 from Weatherby Springs (36-7740), 20 from the Curren Ditch (36-7742), and 12 from the Buckeye Ditch (36-8335), has been diverted during the irrigation season from Billingsley Creek since before the turn of the century. Most of the rights have priorities in the 1880's. The thrust of these applications is to seek permission for additional uses of these same waters during the irrigation season, as well as to seek the Department's approval for the diversion and use of the waters during the nonirrigation season.

All water rights issued by the Department are "subject to existing rights". We recognize that the rights of Riverside Ranches (except 36-7750 for 50 cfs for fish propagation use between October 1 and April 1 of each year) would be prior to these rights. In checking with the Department of Water Resources, we find License No. 36-7314 for 20 cfs issued to Smith with a priority date of March 15, 1973. The point of diversion and place of use indicate property at the mouth of Billingsley Creek in Section 11, Township 7 South, Range 13 East. We find License No. 36-7282 with a priority date of

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January 5, 1973, for 36 cfs at the same place of use. We also find Permit No. 36-7750 (above referred to) with a priority date of September 19, 1977, in the name of Smith for the use of Billingsley Creek water at the same location, and an additional use location of the SWNW of Section 11. We also find a statutory claim to the use of 1.2 cfs for irrigation and stock water at the same location under Claim No. 36-4022.

These applications will validate other uses of water that is already being diverted. No more water will be taken in the irrigation season than is already taken. I am also having difficulty seeing how Buckeye's filings could impact your nonirrigation season water. The U.S.G.S. measurements at the gage near the mouth of Billingsley Creek show the lowest measurement of Billingsley Creek in March of 1980 at 143 cfs, and the highest of Billingsley Creek at that location in 1984 at 261 cubic feet per second on November 12. It seems to us that regardless of the disposition of Application Nos. 7740, 42 and 8335, Riverside Ranches' water right will not be impacted.

We also question your protest of 36-7741 since it involves the diversion of water from Riley Creek to the Buckeye Ranch. Riley Creek is in a totally different basin and the Hunt Ditch does not convey water to the Billingsley Creek drainage. I can't see how Riverside Ranches would be impacted by 36-7741.

If I can answer questions for you concerning the applications, copies of which I enclose for your convenience, please give me a call. All water rights are issued subject to prior water rights. The watermaster will be charged with the protection of your rights. We would ask you to consider withdrawing your protests.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74061

Enclosures

SEP 27 1988

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February 3, 1988

Mr. Richard L. Cook
Sands Ditch Water Users Association
Hagerman ID 83332

RE: Association's Protests to Application Nos. 36-7740, 36-7742 and 36-8335

Dear Dick:

I have been trying to help Buckeye Farms with their water applications above referenced. I am enclosing copies of each for your convenience. Application No. 36-7740 is an amended application. The application was originally filed on August 1, 1977. Protests were made at that time and a hearing was held. The application was never approved for the reason that the Department lost the tapes from the hearing. Since that time, the Gooding County District Court Order has limited the total diversions from Weatherby Springs. I enclose a copy of that Stipulation and Decree for your interest. The purpose for 36-7740 is to authorize additional uses of the Weatherby Springs water that eventually reaches the Buckeye Farms property. Obviously no more water can be taken than the 6.5 cfs in the summer and the 4.0 cfs in the winter that were decreed by the court on January 10, 1979. The purpose for the permit is to do essentially what your buyers did with your own ranch in creating wildlife habitat, ponds, etc.

Application No. 36-7742 was an application also filed originally in 1977 authorizing the use of the Buckeye Ranch's Curren Ditch water for fish propagation, as an additional use to all of the other purposes provided in the Decree. The tape from that hearing was also lost. Consequently, 36-7742 is an attempt to secure permission to make the diversion for fish propagation use as well as the other uses set forth in the amended permit.

No. 36-8335 is a new application. In 1977, Donnie McFadden also filed Application 36-7739 for permission to use the Buckeye Ranch's entitlement which they received through the

SEP 27 1988

Buckeye Ditch for the additional purpose of fish propagation. The tape on that hearing was not lost and that permit was issued December 5, 1983. Because that permit had been issued, we elected to file a new permit application rather than amend 36-7739. Consequently, 36-8335 was filed so as to seek authorization to use the same Buckeye water that has been diverted year around since 1983 for the additional purposes as specified in the permit.

All three applications, if approved, would be issued subject to all prior water rights. Obviously we recognize the rights of the Sands Ditch Association and can think of no instance in which their rights would be impacted by any of the three applications. Obviously the properties involved, including those served by the Sands Ditch, are within a water district and if the applications are approved, no water can be diverted other than according to the priority system so that all of the existing rights of the Sands Ditch prior to August 1, 1977, would be afforded priority over any of these three permits.

We would like the Association to consider withdrawing their protest. If on the other hand, there is some factor that I have overlooked in my analysis in this letter, I would appreciate hearing from you. If I can answer your questions, or if they can be answered by either Donnie McFadden in Hagerman, or Stoney Burke in Ketchum, please don't hesitate to contact one of them.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74041

Enclosures

SEP 27 1988

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February 3, 1988

Ancie P. Bell
Rt. #1 Box 42
Hagerman ID 83332

RE: Your Protest of Application 36-8335

Dear Mr. Bell:

This firm has been retained to help Buckeye Farms concerning some water right applications filed in late 1987, one of which you protested on behalf of your mother-in-law, Edna M. Bell Rea.

Since you protested Application No. 36-8335, I am enclosing a copy of it for your convenience.

As you know, the Buckeye Ranch, now owned by Buckeye Farms, has certain water rights to Billingsley Creek through the Buckeye Ditch, the priority date of which predates the turn of the century. In 1982, they were also issued Application for Permit 36-7739 to divert the same 12 cfs with a priority date of August 1, 1977. That permit authorized the diversion into the Buckeye Ditch of 12 cfs on a year round basis for fish propagation. Application 36-8335 merely seeks to use the same water, presently diverted for irrigation and fish propagation, for the additional uses of recreation, aesthetics, and fish and wildlife habitat on the Buckeye Ranch, now owned by Buckeye Farms. The right is presently being diverted on a year round basis for irrigation and fish propagation. The diversion rights are controlled by the watermaster of the water district and any permit that is issued by the Department, including 36-8335 if it be issued, are issued "subject to all prior water rights".

It was my understanding that the Buckeye Ditch Company had given their permission to Buckeye Land Company at the time the fish propagation permit was filed in 1977 (Application 36-7739). I am enclosing a copy of 7739 for your convenience also.

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It is not anyone's intention to take the irrigation entitlements of your mother-in-law since obviously irrigation use is given first priority by the terms of the New International Decree.

What Buckeye Farms hopes to do is to be able to use whatever water is diverted to them pursuant to their decreed rights, Permit No. 36-7739 and Application 36-8335, for irrigation, fish propagation, recreation, aesthetics, and fish and wildlife habitat. It is their intention to pay their fair share of the costs of the operation of the Buckeye Ditch. It is also not their intention to take water from any other water user justly entitled.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74161

Enclosure

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Department of Water Resources
Southern Region Office

February 2, 1988

Mr. and Mrs. Paul E. Watkins
Rt. #1 Box 412
Hagerman ID 83332

RE: Your Protest of Buckeye Farms Water
Application Nos. 36-8335, 36-7741 and 36-7742

Dear Mr. and Mrs. Watkins:

This firm has been retained by Buckeye Farms to help them with the water right applications they filed in late 1987.

We note your protest of 36-8335, 36-7741 and 36-7742 in your letter dated December 4, 1987.

Please be advised that the property presently owned by Buckeye Farms has the same water decreed to it for irrigation, stock water and other purposes under the New International Decree. The purpose for the applications that you have protested is to seek state approval for additional uses of the same water and also to obtain the use of that water on a year round basis.

Application 36-8335 seeks permission to use 12 cfs that is presently diverted through the Buckeye Ditch to the Buckeye Ranch on a year round basis. Presently by decree and permit 36-7739, 12 cfs is diverted and used both for recreation and fish propagation on the ranch. The application merely seeks to allow the use of the same water for recreation, aesthetics and fish and wildlife habitat.

Application 36-7741 was originally filed in 1977. It seeks to validate the use of water presently diverted through the Hunt Ditch to the Buckeye Ranch on a year round basis for the additional purposes of fish propagation, recreation, aesthetics and fish and wildlife habitat.

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Application 36-7742 to divert 20 cfs from Billingsley Creek through the Curren Ditch is an application that was also filed on August 1, 1977. The 20 cubic feet is already decreed to the ranch for irrigation, stock water, power and other purposes. That priority date predates the turn of the century. This application seeks to add the additional uses discussed above for Application 36-7741 to that same water. Most of the 20 cfs has been diverted on a year round basis. However, at times, the flow has been reduced in the nonirrigation season. This application would allow the diversion of 20 cfs on a year round basis, but subject to all prior water rights.

For nearly a hundred years, the Idaho Constitution has provided that water diverted for private use is a public use. Buckeye Farms' intention to develop their properties for recreation, aesthetics, fish and wildlife habitat and fish propagation should be of no more concern than a water right issued to a farmer who diverts the same and irrigates his own farm so as to make a living.

If I can answer any questions concerning your protest, please don't hesitate to be in contact with me. We'd ask that you consider withdrawing your protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74191

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Southern Region Office

February 3, 1988

Bruce H. and Denny Tyler
P.O. Box 567
Hagerman ID 83332

RE: Application for Water Permits -- 36-8335, 36-7740 and 36-7742

Dear Mr. and Mrs. Tyler:

This firm has been retained by Buckeye Farms to assist them concerning the water rights they filed in late 1987. We are aware of your protest of the above applications.

Application No. 36-8335 seeks the use of water for recreation, aesthetics, and fish and wildlife habitat. It is water presently diverted into the Buckeye Ditch on a year round basis for irrigation and fish propagation pursuant to decreed rights and to Permit No. 36-7739. It is not a new taking of water or a taking of additional water.

No. 36-7740 is an application that would allow the use of any water that gets to the Buckeye Ditch through the Bar S pipeline from Weatherby Springs. As you may or may not know, diversions from Weatherby Springs into that pipeline are limited by court decree of 1979. The users of that water are entitled to divert 6.5 cfs for irrigation purposes between March 1 and October 31 of each year. The decree also states that only 4.0 cfs can be used between November 1 and March 1 for wintertime uses. The application as filed herein seeks only the additional use of any water from that diversion that eventually finds its way to the Buckeye Ranch.

No. 36-7742 is a similar application seeking permission to 20 cubic feet of water for additional purposes. The 20 cubic foot diversion from Billingsley Creek through the Curren Ditch is decreed to the ranch owned by Buckeye Farms. For the most part, it has been diverted on a year round basis historically. In some years not all of the 20 has been taken, but a substantial amount has always been taken to keep the

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existing pipelines from freezing. This proposal would allow the diversion of up to 20 cubic feet for those times of the year when it is not presently diverted, for the additional use of the water for fish propagation, recreation, aesthetics, and fish and wildlife habitat. As I understand, it could cause the diversion of up to 8 to 10 cfs of additional water from Billingsley Creek between the end of the irrigation season and the beginning of the next irrigation season, but subject to prior existing rights.

Water measurements that I have looked at indicate that the high flow period in Hagerman is in the winter months, with the flows from the springs tapering down in the summertime.

The water sought to be diverted pursuant to these applications is already diverted in total during the irrigation season. The summer flows will not be impacted by these applications. The winter flows, which measured as high as 261 cubic feet at the mouth of Billingsley Creek in 1984, would be impacted up to a maximum of 10 cfs at the location of your property. In other words, if the nonirrigation season flow were 200 at the mouth of Billingsley Creek, and it is 170 cfs at your property, if all of these diversions were approved, there would be 160 cfs at your property in the nonirrigation season.

If I can be of assistance to you in answering any further questions, please don't hesitate to contact me.

Please reconsider your protest.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74201

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John A. Sandy, Secretary-Treasurer
Troutco
P.O. Box 326
Hagerman ID 83332

RE: Your Protest Against Applications 36-7740, 36-7742 and 36-8335

Dear Mr. Sandy:

This firm has been retained by Buckeye Farms to help them with the water right applications they filed in late 1987.

You probably know better than anyone, that 36-7740 is an application that was filed in 1977 seeking the winter use of up to 10 cubic feet of water from Weatherby Springs on the Buckeye Ranch property for trout propagation. A protest hearing was held in 1978 and unfortunately the tapes were lost. Consequently, the application has never been issued. You and your then partner later filed suit concerning the same water. The court restricted the diversions for the other users from Weatherby Springs to 6.5 cfs between March 1 and October 31 and to 4.0 cfs from November 1 until March 1 of each year. It is not the intention of the applicant to divert over and above the amounts that were set out in the court's order of 1979. The purpose for the application is to allow the use of any water diverted pursuant to that stipulation for fish propagation, recreation, aesthetics, and fish and wildlife purposes on Buckeye Farms property <u>if the water gets there</u>. There would be no new water diverted pursuant to this application.

Application 36-8335 seeks only permission to use water under the decreed irrigation rights to the Buckeye Ranch and Permit 36-7739 which authorized year round trout propagation. The additional uses sought are recreation, aesthetics, and fish and wildlife habitat. There would be no new diversion or additional diversion of Billingsley Creek water under 36-8335.

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Permit 36-7739 has a priority date in advance of either of your Permits 36-7834 or 36-8058.

Application 36-7742 would allow the rights of Buckeye Farms to Billingsley Creek water to be diverted through the Curren Ditch on a year round basis. The water has traditionally been diverted during the traditional irrigation season and during some years in the winter. Water is always diverted for the purpose of keeping the pipelines full to avoid freezing. This permit would allow year round diversion adding additional beneficial uses of trout propagation, recreation, aesthetics, and fish and wildlife habitat. Even though we will attempt to establish an August 1, 1977, priority date for this application, because the Department lost the tapes following the protest hearing held in 1978, it seems to me that your protest may be frivolous inasmuch as your Permit No. 36-7834 is subordinated, and there is always 100 cfs at your diversion in the wintertime to fill Application 36-8058.

If I can answer any questions for you, don't hesitate to contact me. Please consider withdrawing your protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74221

SEP 27 1988

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February 3, 1988

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Department of Water Resources
Southern Region Office

Mr. H.L. Holmes
Rock Lodge Motel
Rt. #1
Hagerman ID 83332

RE: Protest of 36-7740, 36-7741 and 36-8335

Dear Mr. Holmes:

This firm represents Buckeye Farms in regard to the water applications they filed in late 1987. We note your protest to 36-7740, 36-7742, and 36-8335.

No. 36-7740 is an application to make additional use of water that is already diverted on a year round basis from Weatherby Springs. The purpose for the application is to validate the additional use of whatever water gets there from Weatherby Springs through the Bar S pipeline. In 1979, the court limited the amount of water that could be taken from Weatherby Springs by all of the users combined to 6.5 cfs during the irrigation season of March 1 until October 31. That same decree also limited the amount of water that could be taken in the winter between November 1 and March 1 to 4.0 cfs. The water has been consistently taken for as long as the pipeline has been in place, probably before the turn of the century. This water has never flown past your lodge unless the users diverted back into the creek so as to perform maintenance on their ditch or pipeline.

As to Application 36-7742, 20 cubic feet is decreed through the Curren Ditch to the property now owned by Buckeye Farms. In most years, they have taken a substantial portion of it to keep the pipelines from freezing in the nonirrigation season. Application 7742, if granted, would allow the diversion to be made into the Curren Ditch in an amount of 20 cfs for the Buckeye Farms property and the water to be used for fish propagation as well as the other uses as indicated on the application, a copy of which I enclose for your convenience. It could be diverted only subject to existing rights.

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The water sought to be used for additional purposes through Application 36-8835 is water that is already diverted into the head of the Buckeye Ditch on a year round basis. The irrigation right for the Buckeye Ranch predates the turn of the century. The ranch also has a August 1, 1977, priority to divert the same water and to use it for fish propagation on a year round basis. This water has been consistently diverted.

As best we can tell from the stream measurements, there is always between 150 and 250 cfs in Billingsley Creek at the location of your motel in the nonirrigation season. The only additional depletion by the issuance of these three permits to the flows of Billingsley Creek would be in the nonirrigation season between November 1 and March 1 when the flows in the creek are generally at their highest.

We appreciate your interest in the applications. If I can answer any questions, don't hesitate to contact me. Please consider withdrawing your protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74071

Enclosures

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Southern Region Office

February 3, 1988

Idaho Department of Fish & Game
P.O. Box 428
Jerome ID 83338

RE: Water Applications 36-7741 and 36-7742

Gentlemen:

Buckeye Farms asks that we help them with the water applications they filed in late 1987.

As you will recall, these are applications that were originally filed on August 1, 1977, seeking the use of waters diverted under decreed rights from Riley Creek through the Hunt Ditch and from Billingsley Creek through the Curren Ditch. The amounts sought were the decreed entitlements of the then owner Buckeye Land Company. Those applications also sought the validation of a year round diversion for the additional use of trout propagation.

Bill Webb, then head of the Jerome office of Fish & Game, protested both applications. No. 36-7742 was protested on the basis that they "would be detrimental to the fisheries resource . . . and could have an adverse effect on the affluent dilution capacity of the stream." No. 36-7741 was protested on the basis it would be "detrimental to the fisheries and wildlife resource on Riley Creek."

Protest hearings were held in 1978 on these applications. Unfortunately, following the hearings IDWR lost the tapes of the hearings. While they issued one of the permits which you had protested (36-7739) they were not willing to issue the other permits. Recently when Buckeye Farms acquired the property, they amended the applications. They have added to those applications the additional beneficial uses of recreation, aesthetics, and fish and wildlife habitat.

Application 36-7741 is a request to use Riley Creek -- Hunt Ditch water for these additional purposes on the

SEP 27 1988

Buckeye Ranch. Presently the water is being diverted by John LeMoyne pursuant to his rights at his trout facilities. He discharges into the Hunt Ditch which carries the water on to the Buckeye Ranch. The same water has been diverted on a year round basis to the Buckeye Ranch for several years. We don't see any additional depletion of Riley Creek on Fish & Game properties by reason of Buckeye's eventual use of this water on their own property where it now flows anyway.

Application 36-7742 seeks to add fish propagation, recreation, aesthetics and fish and wildlife habitat to the Billingsley Creek water that is diverted to the ranch through the Curren Ditch. The ranch is decreed 20 cfs through the Curren Ditch. That water is now diverted most of the year. In some years, all of it has been diverted to the ranch. In most recent years, only part of it has been diverted in the wintertime to keep the pipelines from freezing. The application would allow the diversion of the water in the wintertime up to a maximum of 20 cfs.

At the U.S.G.S gaging station upstream from the head of the Curren Ditch, the measurements of Billingsley Creek vary between a low of 35 and a high of 59. I am enclosing copies of those measurements for your information.

Any additional depletions from Billingsley Creek into the Curren Ditch would be made at a time of the year that the flow measurements on Billingsley Creek are the highest. They can only be made subject to all prior rights. The permit would allow a diversion in the winter of water not traditionally diverted up to 20 cfs. The 20 cfs is always diverted in the irrigation season.

We would like you to reconsider your position as to these above two permits and withdraw your protests. If you have any questions that I can answer, don't hesitate to contact me.

Respectfully submitted,

/John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74261

Enclosures

SEP 27 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
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BRUCE M. SMITH
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BOISE, IDAHO 83702-2139
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FEB 5 1988
Department of Water Resources
Southern Region Office

February 3, 1988

Ms. Patsy Dunn, Secretary
Riverside Ranches, Inc.
816 Park Lane
Pocatello ID 83201

RE: Your Protests of Water Applications 36-7740, 36-7741, 36-7742 and 36-8335

Dear Ms. Dunn:

This firm represents Buckeye Farms concerning their recent water filings in Hagerman Valley. We note your protest of all four applications. However, I am having some problem analyzing your protest. As I understand your letter dated December 9, 1987, to the Department, your concern with the diversions is that they would reduce waters otherwise available to your trout facility during the irrigation season.

All of the water which is the subject of the above listed permits, 6.5 from Weatherby Springs (36-7740), 20 from the Curren Ditch (36-7742), and 12 from the Buckeye Ditch (36-8335), has been diverted during the irrigation season from Billingsley Creek since before the turn of the century. Most of the rights have priorities in the 1880's. The thrust of these applications is to seek permission for additional uses of these same waters during the irrigation season, as well as to seek the Department's approval for the diversion and use of the waters during the nonirrigation season.

All water rights issued by the Department are "subject to existing rights". We recognize that the rights of Riverside Ranches (except 36-7750 for 50 cfs for fish propagation use between October 1 and April 1 of each year) would be prior to these rights. In checking with the Department of Water Resources, we find License No. 36-7314 for 20 cfs issued to Smith with a priority date of March 15, 1973. The point of diversion and place of use indicate property at the mouth of Billingsley Creek in Section 11, Township 7 South, Range 13 East. We find License No. 36-7282 with a priority date of

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SEP 27 1988

January 5, 1973, for 36 cfs at the same place of use. We also find Permit No. 36-7750 (above referred to) with a priority date of September 19, 1977, in the name of Smith for the use of Billingsley Creek water at the same location, and an additional use location of the SWNW of Section 11. We also find a statutory claim to the use of 1.2 cfs for irrigation and stock water at the same location under Claim No. 36-4022.

These applications will validate other uses of water that is already being diverted. No more water will be taken in the irrigation season than is already taken. I am also having difficulty seeing how Buckeye's filings could impact your nonirrigation season water. The U.S.G.S. measurements at the gage near the mouth of Billingsley Creek show the lowest measurement of Billingsley Creek in March of 1980 at 143 cfs, and the highest of Billingsley Creek at that location in 1984 at 261 cubic feet per second on November 12. It seems to us that regardless of the disposition of Application Nos. 7740, 42 and 8335, Riverside Ranches' water right will not be impacted.

We also question your protest of 36-7741 since it involves the diversion of water from Riley Creek to the Buckeye Ranch. Riley Creek is in a totally different basin and the Hunt Ditch does not convey water to the Billingsley Creek drainage. I can't see how Riverside Ranches would be impacted by 36-7741.

If I can answer questions for you concerning the applications, copies of which I enclose for your convenience, please give me a call. All water rights are issued subject to prior water rights. The watermaster will be charged with the protection of your rights. We would ask you to consider withdrawing your protests.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74051

Enclosures

SEP 27 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
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ATTORNEYS AT LAW

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FEB 5 1988
Department of Water Resources
Southern Region Office

February 3, 1988

Ms. Marne Mercer, President
Hagerman Valley Citizens Alert, Inc.
P.O. Box 32
Hagerman ID 83332

RE: Protests of Water Applications 36-7740, 36-7741, 36-7742 and 36-8335

Dear Ms. Mercer:

This firm has been retained to help Buckeye Farms with water right Application Nos. 36-7740, 36-7741, 36-7742 and 36-8335.

Three of these applications, 40, 41 and 42, were originally filed in 1977. As I recall, you did not protest any of these applications then. You did however protest Application No. 36-7739, which was eventually issued in 1983 allowing the Buckeye Ranch to divert their entitlement in the Buckeye Ditch on a year round basis for fish propagation as well as the other uses which had been decreed. Application 36-8335 is a similar application. It seeks approval for the additional uses for the diversion of the same water that is presently being diverted on a year round basis to the Buckeye Ranch. Those uses are, we think, positive uses that will enhance not only the value of the property now owned by Buckeye Farms, but the aesthetic environment of the whole valley.

Application 36-7740 is similar to 36-7739. It seeks the additional use of water already diverted from Weatherby Springs. You will remember that in 1979, the court limited the diversion from Weatherby Springs to 6.5 cfs in the irrigation season between March 1 and October 31, and to 4.0 cfs between November 1 and March 1. This application seeks the additional use of any water that reaches properties now owned by Buckeye Farms for fish propagation and for the additional purposes of recreation, aesthetics, and fish and wildlife habitat.

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No. 36-7742 is an application to use the Curren Ditch water entitlement of the Buckeye Farms property for similar purposes. Although all of the water has not all been diverted on a year round basis, most of it has. The Buckeye's property right is 20 cubic feet per second. Application 36-7742 seeks the diversion of 20 cfs on a year round basis with the addition of trout propagation, recreation, aesthetics and fish and wildlife habitat as validated uses. Application No. 36-7741 involves the waters of Riley Creek that are diverted to the Buckeye Farms property through the Hunt Ditch. It's already diverted and used year around by LeMoyne and presently flows year around to the ranch. Billingsley Creek cannot be affected one way or another by this application.

All applications issued by the Idaho Department of Water Resources must be issued subject to all existing rights. It is not the applicant's intention to take water to which others are entitled. The thrust of these applications is to obtain permission to develop the Buckeye Farms property for the other uses which I have above enumerated.

Application Nos. 7740, 7741 and 7742 were the subject of hearings by the Department of Water Resources in February of 1978. For whatever reason, the tapes of the hearings were lost and the applications were never approved. The applicants are now seeking the approval of those same diversions as well as the addition beneficial uses which were not then recognized.

If I can answer any questions for you, please don't hesitate to contact me. We'd ask that you consider dropping your protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74171

SEP 27 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
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JAMES C. TUCKER
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February 3, 1988

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Department of Water Resources
Southern Region Office

Mr. and Mrs. Edward C. Shokal
Rt. #1 Box 410
Hagerman ID 83332

Dear Mr. and Mrs. Shokal:

This firm has been retained to help Buckeye Farms with water right Application Nos. 36-7740, 36-7741, 36-7742 and 36-8335.

Three of these applications, 40, 41 and 42, were originally filed in 1977. As I recall, you did not protest any of these applications then. You did however protest Application No. 36-7739, which was eventually issued in 1983 allowing the Buckeye Ranch to divert their entitlement in the Buckeye Ditch on a year round basis for fish propagation as well as the other uses which had been decreed. Application 36-8335 is a similar application to seek approval for the additional uses for the diversion of the same water that is presently being diverted on a year round basis to the Buckeye Ranch. Those uses are, we think, positive uses that will enhance not only the value of the property now owned by Buckeye Farms, but the aesthetic environment of the whole valley.

Application 36-7740 is along the same line. It seeks the additional use of water already diverted from Weatherby Springs. You will remember that in 1979, the court limited the diversion from Weatherby Springs to 6.5 cfs in the irrigation season between March 1 and October 31, and to 4.0 cfs between November 1 and March 1. This application seeks the additional use of any water that reaches properties now owned by Buckeye Farms for fish propagation and for the additional purposes of recreation, aesthetics, and fish and wildlife habitat.

No. 36-7742 is an application to use the Curren Ditch water entitlement of the Buckeye Farms property for similar purposes. Although the water has not all been diverted on a year round basis, most of it has. The Buckeye's property right

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is 20 cubic feet per second. Application 36-7742 seeks the diversion of 20 cfs on a year round basis with the addition of trout propagation, recreation, aesthetics and fish and wildlife habitat as validated uses. Application No. 36-7741 involves the waters of Riley Creek that are diverted to the Buckeye Farms property through the Hunt Ditch. Billingsley Creek cannot be effected one way or another by this application.

All applications issued by the Idaho Department of Water Resources must be issued subject to all existing rights. It is not the applicant's intention to take water to which others are entitled. The thrust of these applications is to obtain permission to develop the Buckeye Farms property for the other uses which I have above enumerated.

Application Nos. 7740, 7741 and 7742 were the subject of hearings by the Department of Water Resources in February of 1978. For whatever reason, the tapes of the hearings were lost and the applications were never approved. The applicants are now seeking the approval of those same diversions as well as the additional beneficial uses which were not then recognized.

If I can answer any questions for you, please don't hesitate to contact me. I'd ask you to reconsider your protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74081

SEP 27 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
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STEVEN K. TOLMAN
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February 3, 1988

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Department of Water Resources
Southern Region Office

Mr. Lawrence J. Smith
HC 60, Box 1255
Bliss ID 83314

RE: Your Protests of Water Applications 36-7740, 36-7741, 36-7742 and 36-8335

Dear Mr. Smith:

This firm represents Buckeye Farms concerning their recent water filings in Hagerman Valley. We note your protest of all four applications. However, I am having some problem analyzing your protest. As I understand your letter dated December 9, 1987, to the Department, your concern with the diversions is that they would reduce waters otherwise available to your trout facility during the irrigation season.

All of the water which is the subject of the above listed permits, 6.5 from Weatherby Springs (36-7740), 20 from the Curren Ditch (36-7742), and 12 from the Buckeye Ditch (36-8335), has been diverted during the irrigation season from Billingsley Creek since before the turn of the century. Most of the rights have priorities in the 1880's. The thrust of these applications is to seek permission for additional uses of these same waters during the irrigation season, as well as to seek the Department's approval for the diversion and use of the waters during the nonirrigation season.

All water rights issued by the Department are "subject to existing rights". We recognize that the rights of Riverside Ranches (except 36-7750 for 50 cfs for fish propagation use between October 1 and April 1 of each year) would be prior to these rights. In checking with the Department of Water Resources, we find License No. 36-7314 for 20 cfs issued to Smith with a priority date of March 15, 1973. The point of diversion and place of use indicate property at the mouth of Billingsley Creek in Section 11, Township 7 South, Range 13 East. We find License No. 36-7282 with a priority date of

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January 5, 1973, for 36 cfs at the same place of use. We also find Permit No. 36-7750 (above referred to) with a priority date of September 19, 1977, in the name of Smith for the use of Billingsley Creek water at the same location, and an additional use location of the SWNW of Section 11. We also find a statutory claim to the use of 1.2 cfs for irrigation and stock water at the same location under Claim No. 36-4022.

These applications will validate other uses of water that is already being diverted. No more water will be taken in the irrigation season than is already taken. I am also having difficulty seeing how Buckeye's filings could impact your nonirrigation season water. The U.S.G.S. measurements at the gage near the mouth of Billingsley Creek show the lowest measurement of Billingsley Creek in March of 1980 at 143 cfs, and the highest of Billingsley Creek at that location in 1984 at 261 cubic feet per second on November 12. It seems to us that regardless of the disposition of Application Nos. 7740, 42 and 8335, Riverside Ranches' water right will not be impacted.

We also question your protest of 36-7741 since it involves the diversion of water from Riley Creek to the Buckeye Ranch. Riley Creek is in a totally different basin and the Hunt Ditch does not convey water to the Billingsley Creek drainage. I can't see how Riverside Ranches would be impacted by 36-7741.

If I can answer questions for you concerning the applications, copies of which I enclose for your convenience, please give me a call. All water rights are issued subject to prior water rights. The watermaster will be charged with the protection of your rights. We would ask you to consider withdrawing your protests.

Incidentally, all water rights held by everyone will have to be refiled in the Snake River Adjudication. It is anticipated that everyone will therein be required to again justify their water diversions.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74101

Enclosures

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SEP 27 1988

Protest acknowledgement letter mailed to
all parties listed on the attached
list of protestants

January 21, 1988

NAME
ADDRESS
CITY, STATE ZIP

Re: Applications for Permit (APPLICATIONS PROTESTED)
Buckeye Farms Inc.

Dear Protestant:

Your protest against the approval of the above referenced permit(s) has been received and a copy sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application(s) and to attempt to resolve the protest.

This office tentatively plans to schedule the matter for hearing on March 1, 1988. Notices will be sent by certified mail about February 8, 1988 giving the time and place for the hearing.

At a hearing before the Department, the following are the principal items which can be considered in approving or denying an application for permit (IDAHO CODE, Sec. 42-203):

1) Will the proposed use reduce the quantity of water under existing rights?

2) Is the proposed water supply insufficient for the purposes intended?

3) Is the application made in good faith or for delay or speculative purposes?

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SEP 27 1988

4) Has the applicant sufficient financial resources with which to complete the proposed project?

5) Will the proposed use conflict with the local public interest?

If you have any questions or if we can be of assistance, please contact this office.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LOH

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SEP 27 1988

BUCKEYE FARMS INC. APPLICATIONS
LIST OF PROTESTANTS

NAME	APPLICATION NO. 36-7740	36-7741	36-7742	36-8335
Stanley & Barbara Hoskovec	X			
Richard L. Cook, President, Sands ditch	X		X	X
Patsy Dunn,Secretary, Riverside Ranches	X	X	X	X
Dale Boyer	X		X	X
Edward D. & Ruth C. Shokal	X	X	X	X
H.L. "Burt" Holmes	X		X	X
Calvin & Myrle Eckles	X	X	X	X
Laurence J. Smith	X	X	X	X
Verl C. Bell	X			
Edna M. Rea	X			
Weatherby Springs Water Users	X			
Mrs. Stanley Hoskovec	X		X	
Hagerman Valley Citizens' Alert	X	X	X	X
Robert M. Strom	X			
Paul E. & Inez S. Watkins		X	X	X
Clear Lakes Trout Co. & Fisheries Development Co.	X		X	X
Bruce H. & Denny Tyler	X		X	X
Ancie P. Bell				X
TroutCo.	X		X	X
Id. Dept. of Fish & Game*		X	X	
Thousand Springs Trout Co.*	X		X	
Jones & Sandy*	X			

* Parties carried forward from original hearings

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SEP 27 1988

BUCKEYE FARMS APPLICATIONS
36-7740, 36-7741, 36-7742, 36-8335
LIST OF PARTIES

Stanley & Barbara Hoskovec
2856 S, 900 East
Hagerman, ID 83332

Verl C. Bell
Rt. 1, Box 42
Hagerman, ID 83332

Richard L. Cook,President
Sands Ditch Water Users Assoc.
Hagerman, ID 83332

Edna M. Rea
P.O.Box 543
Wendell,ID 83355

Patsy Dunn,Secretary
Riverside Ranches, Inc.
816 Park Lane
Pocatello, ID 83201

Weatherby Sprs. Water Users
Verl C. Bell, President
Rt. 1, Box 42
Hagerman, ID 83332

Dale Boyer
Hagerman, ID 83332

Mrs. Stanley Hoskovec
Rt. 1, Box 50
Hagerman, ID 83332

Edward D. & Ruth C. Shokal
Hagerman, ID 83332

Hagerman Valley Citizens Alert
Marne Mercer, President
P.O. Box 32
Hagerman, ID 83332

H.L. "Burt" Holmes
Rt. 1
Hagerman, ID 83332

Robert M. Strom
931 E. Justice Grade
Hagerman, ID 83332

Calvin & Myrle Eckles
HC60, Box 1255
Bliss, ID 83314

Paul E. & Inez S. Watkins
Rt. 1, Box 412
Hagerman, ID 83332

Laurence J. Smith
HC60, Box 1255
Bliss, ID 83314

Clear Lakes Trout Co. &
Fisheries Development Co.
c/o W.F. Ringert, Attorney
P.O. Box 2773
Boise, ID 83701

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SEP 27 1988

Bruce H. & Denny Tyler
P.O. Box 567
Hagerman, ID 83332

Ancie P. Bell
Rt. 2, Box 42
Hagerman, ID 83332

TroutCo.
W.A. Sandy, President
Box 326
Hagerman, ID 83332

Buckeye Farms Inc.
P.O. Box 2199
Sun Valley, ID 83353

John A. Rosholt
Attorney for Buckeye Farms
P.O. Box 1906
Twin Falls, ID 83301

Id. Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Thousand Springs Trout Co.
Box 232
Buhl, ID 83316

Jones & Sandy
c/o William L. Nungester
P.O. Box 589
Buhl, ID 83316

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SEP 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

January 21, 1988

Thousand Springs Trout Co.
Box 232
Buhl, ID 83316

Re: Applications for Permit 36-7740, 36-7742
Buckeye Farms Inc.

Dear Protestant:

The above referenced amended applications for permit have been advertised and a number of protests have been received in addition to your continuing protest. A list of current parties in the mattter is enclosed.

This office tentatively plans to schedule the matter for hearing on March 1, 1988. Notices will be sent by certified mail about February 8, 1988 giving the time and place for the hearing.

At a hearing before the Department, the following are the principal items which can be considered in approving or denying an application for permit (IDAHO CODE, Sec. 42-203):

1) Will the proposed use reduce the quantity of water under existing rights?

2) Is the proposed water supply insufficient for the purposes intended?

3) Is the application made in good faith or for delay or speculative purposes?

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SEP 27 1988

4) Has the applicant sufficient financial resources with which to complete the proposed project?

5) Will the proposed use conflict with the local public interest?

If you have any questions or if we can be of assistance, please contact this office.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LOH

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SEP 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

January 21, 1988

Idaho Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Re: Applications for Permit 36-7740, 36-7742
Buckeye Farms Inc.

Gentlemen:

The above referenced amended applications for permit have been advertised and a number of protests have been received in addition to your continuing protest. A list of current parties in the mattter is enclosed.

This office tentatively plans to schedule the matter for hearing on March 1, 1988. Notices will be sent by certified mail about February 8, 1988 giving the time and place for the hearing.

At a hearing before the Department, the following are the principal items which can be considered in approving or denying an application for permit (IDAHO CODE, Sec. 42-203):

1) Will the proposed use reduce the quantity of water under existing rights?

2) Is the proposed water supply insufficient for the purposes intended?

3) Is the application made in good faith or for delay or speculative purposes?

MICROFILMED
SEP 27 1988

4) Has the applicant sufficient financial resources with which to complete the proposed project?

5) Will the proposed use conflict with the local public interest?

If you have any questions or if we can be of assistance, please contact this office.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LOH

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SEP 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

January 19, 1988

Buckeye Farms Inc.
P.O. Box 2199
Sun Valley, ID 83353

Re: Applications 36-7740, 36-7741, 36-7742, and 36-8335

Gentlemen:

Enclosed are copies of protests filed in the matter of the above referenced applications. The Department suggests that you contact the protestants to attempt to resolve the protests without a hearing.

This office is tentatively planning to schedule the matter of protests for hearing on March 1, 1988. Notices will be sent by certified mail about February 8, 1988 giving the time and place for the hearings.

In a hearing before the Department, the following are the principal issues which can be considered in approving or denying a permit (IDAHO CODE Sec. 42-203):

1) Will the proposed use reduce the quantity of water under existing rights?

2) Is the proposed water supply insufficient for the purposes intended?

3) Is the application made in good faith or for delay or speculative purposes?

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SEP 27 1988

4) Has the applicant sufficient financial resources with which to complete the proposed project?

5) Will the proposed use conflict with the local public interest?

If you have any questions or if this office can be of any assistance, please contact us.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LOH
Encl
cc: John Rosholt w/encl

MICROFILMED
SEP 27 1988

Rec'd copy at Southern 12/14/87 KW

W. F. Ringert
RINGERT, CLARK, HARRINGTON, REID,
CHRISTENSON & KAUFMAN, CHARTERED
599 West Bannock Street, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

Attorneys for Protestants

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
OFFICE OF THE DIRECTOR

IN THE MATTER OF THE APPLICATION OF BUCKEYE FARMS, INC., FOR A PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 36-7742	PROTEST OF CLEAR LAKES TROUT COMPANY AND FISHERIES DEVELOPMENT COMPANY

COME NOW Clear Lakes Trout Company, an Idaho corporation, and Fisheries Development Company, an Idaho corporation, whose addresses are 1301 Vista Avenue, Boise, Idaho, 83705, by and through their undersigned attorneys, and protest against the approval of Application No. 36-7742 by Buckeye Farms, Inc., for a permit to appropriate the public waters of the State of Idaho, on the following grounds:

1. That the use proposed by the Application will reduce the quantity of water under existing water rights;

2. That the use proposed by the Application will conflict with the local public interest.

This Protest is filed in accordance with the provisions of Idaho Code §42-203A, and the rules and regulations of the

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SEP 27 1988

Department of Water Resources of the State of Idaho.

Dated this 11th day of December, 1987.

RINGERT, CLARK, HARRINGTON, REID,
CHRISTENSON & KAUFMAN, CHARTERED

By W. F. Ringert

W. F. Ringert
Attorneys for Protestant
P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

MICROFILMED
SEP 27 1988

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DEC 11 1987
Department of Water Resources
Southern Region Office

Director of Water Resources
Southern Region
2148 4th Avenue E.
Twin Falls, Id 83301

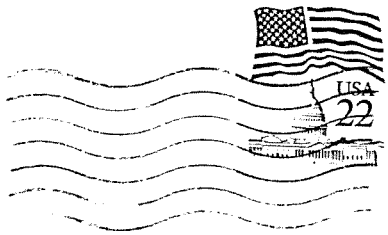
Dear Sirs:

We owners of a home on 4½ acres at the juncture of Billingsley Creek and Highway 30, are protest Filings # 36-8335, 36-7740 and 36-7742 concerning water diversion from Billingsley Creek. Any flow diversion would damage the esthetic and financial value to our property.

Yours truly,
Bruce H. Tyler
Penny Tyler

Mr & Mrs Bruce Tyler
P. O. Box 567
Hagerman, Id 83332





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Director of Water Resources
Southern Region
2148 4th Ave. E.

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DEC 10 1987
Department of Water Resources
Southern Region Office

Hagerman, Ida.
Dec. 10, 1987

Dear Sirs:

We The Sand Ditch Water User's Association, do Respectfully Protest Buckeye Farms Inc. application for water Permits as follows:

No. 36-8335
No. 36-7740
No. 36-7742.

The Grounds for Protesting These applications are for each= There is not sufficient water to Grant These Permits and still fill licensed water holdings on The lower Billingley Creek.

Richard L. Cook
Pres. of Sands Ditch

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DEC 10 1987
Department of Water Resources
Southern Region Office

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DEC 10 1987
Department of Water Resources
Southern Region Office

December 9, 1987
816 Park Lane
Pocatello, Idaho
83201

R. Keith Higginson, Director
Dept. of Water Resources
Southern Region, 2148 4th Ave. E.
Twin Falls, Idaho 83301

Dear Mr. Higginson:

Riverside Ranches, Inc. of Hagerman protests filings listed below

36-7740
36-7741
36-7742
36-8335

Our main reason to protest is our trout business at the mouth of Billingsley creek. We already fall short of water in the summer months. Any change above us would certainly jeopardize our fish propagation. We have lost a crop of fish because of a change and must be very cautious if we put fish in during the peak of irrigation time. In the past we have had to remove fish before they fully matured because of the water being lower, warmer and moving slower.

please inform us about any matters pertaining to this protest.

Sincerely,

Patsy Dunn

Patsy Dunn, Secretary
Riverside Ranches, Inc.

P. S. We also believe these filings would destroy the aesthetic beauty that is already there naturally. Even though water was put back into the creek a major change would take place because of the use of 6.5 CFS, 12CFS, 24 CFS and 20 CFS. One of these would be too much.

Becsuse of these reasons, we believe no more filings should be allowed above us.

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DEC 10 1987
Department of Water Resources
Southern Region Office

Hagerman, Idaho
December 10, 1987

Dear Sirs:

I, Dale Boyer, do respectfully protest Buckeye Farms, Inc. application for water permits as follows:

No. 36-8335
No. 36-7740
✓No. 36-7742

The grounds for protesting these applications are for each; there is not sufficient water to grant these permits and still fill licensed water holdings on the lower Billingsley Creek.

Dale F Boyer

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Department of Water Resources
Southern Region Office

December 9, 1987

Loren O. Holmes
Southern Region Manager
Idaho Dept. of Water Resources
2148 4th Ave. East
Twin Falls, ID 83301

Re: Amended Applications 36-7740, 36-7741, 36-7742, 36-8335

Dear Mr. Holmes:

We wish to protest the above mentioned Amended Applications (36-7740, 36-7741, 36-7742) and Application 36-8335.

The water in the Billingsly is already subscribed, therefore there is insufficient water. These filings also conflict with the 1932 Billingsly Decree.

Sincerely,

Edward C. Shokal

Edward C. Shokal
Ruth C. Shokal

Ruth C. Shokal

Rt. 1, Box 410
Hagerman, ID 83332

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SEP 27 1988

ROCK LODGE MOTEL
& CREEKSIDE CAMPGROUND
Route 1 ★ HAGERMAN VALLEY, IDAHO 83332 ★ Phone 208-837-4822

December 7, 1987

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DEC 8 1987
Department of Water Resources
Southern Region Office

Director
Department of Water Resources
Southern Region
2148 Fourth Avenue East
Twin Falls, Idaho 83301

Dear Sirs:

re Filings # 36-7742-36-8335--36-7740

I would like to lodge a protest to the above filings on the basis that they would impact my motel, r. v. park to such an extent that my business would be severely hurt.

Sincerely,

H. L. "Burt" Holmes, owner

FILED
SEP 27 1988

"Where the Fish are Always Biting"

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DEC 7 1987
Department of Water Resources
Southern Region Office

HC-66 Box 1255
Bliss Idaho
Dec. 4, 1987

Dept. of Water Resources
2148 4th Ave. East
Twin Falls, Idaho

Dear Sir:

We wish to protest water filings numbers: 36-8335
36-7740
36-7741
36-7742.

There are already too many filings for the water rights on Billingsley Creek. We desire to keep plenty of water flowing through Billingsley Creek to keep it a live stream.

We are already short of water for our fish facilities on Billingsley Creek.

Yours truly,
Myrle Eckles
Calvin J. Eckles
Riverside Ranches Inc

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SEP 27 1988

Dear Sir; Dec 5, 1987

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DEC 7 1987
Department of Water Resources
Southern Region Office

I wish to protest the recent filing by Buckeye Farms for more water from Billingsley Creek filings no.s 36-8335, 36-7740, 36-7746, 36-7742. Billingsley Creek is already overfiled. Public interest for some form of minimum flow is also one of the reasons I protest. If adjudication of Snake River water is fully done most of the water that the Buckeye Ranch is now using

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SEP 27 1988

water [illegible] from him and would flow down Billingsley Creek to earlier filings. Therefore, I wish to protest all further applications by Buckeye Farms. I also feel Hearings should be held about the improper management of the water of Billingsley Creek by the State of Idaho.

Sincerely Yours

Laurence J. Smith

HC 60, Box 1255

Bliss, ID 83314

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SEP 27 1988

377748 Weather
377742 Billingsly

I protest these applications on this water rights - My water rights might be damaged also we need know more fish ponds on it.

Mrs. Stanley Koskovich
Rt-1 Box 50
Hagerman, Idaho 83332

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DEC 7 1987
Department of Water Resources
Southern Region Office

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SEP 27 1988

December 4, 1987

RECEIVED
DEC 7 1987
Water Resources
Eastern Region Office

Mr. Loren Holms
Idaho Dept. of Water Resources
2148 Fourth Av. E.
Twin Falls, Id. 83301

re Buckeye Farms, Inc.
36-8335
36-7741
36-7742

Dear Sir:

This letter conveys our protest to the granting of 56 cubic feet/second water under the subject filings.

The basis for the protest is:

(1) the proposed use and diversion from the parent waterway will reduce the quantity of water under existing rights

(2) the proposed use will conflict with local public interest

(3) The amended applications include "recreation" and "aesthic beauty". Neither of these are intended for public use or appreciation. The Buckeye Farm operation is strictly private and/or leased for private use.

We request the applications be denied.

Sincerely yours,

Paul E. Watkins

Inez D. Watkins

Rt. 1 Box 412
Hagerman, Id. 83332

Received
SEP 27 1988

Hagerman Valley Citizens Alert Inc.

Box 32

Hagerman, Idaho 83332

RECEIVED

DEC 7 1987

Department of Water Resources
State Office

December 3, 1987

Department of Water Resources
2148 Fourth Ave. East
Twin Falls, ID 83301

Re: Application #36-7742
Buckeye Farms, Inc.

Hagerman Valley Citizens' Alert, Inc. hereby protests the above-referenced application on the grounds that the proposed use conflicts with the local public interest.

Marne Mercer

Marne Mercer,
President
Hagerman Valley Citizens' Alert, Inc.
PO Box 32
Hagerman, ID 83332

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DEC 4 1987
Department of Water Resources
Southern Region Office

TroutCo
Box 326
Hagerman, Idaho
83332

December 3, 1987

Loren C. Holmes, P.E.
Southern Region Manager
Idaho Department of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301

Ref: Buckeye Farms, Inc. water permit filings
No. 36-7740; No. 36-8335: No. 36-7742; No. 36-7739

Dear Mr. Holmes,

We are formally protesting Buckeye Farms, Inc.'s Applications for water permit numbers 36-7740, 36-8335, 36-7742, [redacted] L.H.S.

As owners of TroutCo Inc. we have the water right with water permit numbers 36-7834 and 36-8058 for a total combined flow of 200 cfs.

It is questionable whether there is enough water in Billingsley Creek to meet our permitted flow even during high water flows during the winter months. It is obvious that Billingsley Creek has already been over appropriated and that no additional water uses which will reduce creek flows can be permitted without adversely effecting down stream permit holders.

Sincerely,

W.A. Sandy
Pres. TroutCo

John A. Sandy
Sec/Trea TroutCo

SEP 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

November 18, 1987

John A. Burke, Secretary
Buckeye Farms, Inc.
P.O. Box 2199
Sun Valley, ID 83353

Re: Amended Applications 36-7740, 36-7741, 36-7742
Application 36-8335

Dear Mr. Burke:

Due to an error by the Gooding County Leader, the legals for the above named amended applications and application will not appear in that paper as scheduled.

They should appear in the Gooding County Leader on 11/25 & 12/2/87 and will appear statewide as previously scheduled the weeks of 11/19 & 11/26/87.

Please accept our apologies for any inconvenience this error may have caused you. The last day for receiving protests has been extended to December 14, 1987.

If you have any questions or if this office can be of further assistance,

please feel free to contact us.

Very truly yours,

Loren O. Holmes
Southern Region Manager

LH:MB
cc: John Rosholt, Atty

SEP 27 1988

INTER-DEPARTMENT MEMO — 1

DATE November 18, 1987

FROM Mary Baldwin, Secretary

TO Files 36-7740, 36-7741, 36-7742 (all amended); 36-8335
Buckeye Farms, Inc.

SUBJECT Newspaper publishing error

Received a phone call this date from Sheila, Northside News of Jerome. She said that the Gooding County Leader did not print the legals for the above listed files on 11/18 as instructed.

Therefore, notification of applicant will be made of the error and scheduled publication of the legals will be 11/25 & 12/2/87 for the Gooding County Leader and the statewide publications will remain on the 11/19 & 11/26/87, per instructions from supervisor, Loren Holmes.

Deadline for receiving protests will be December 14, 1987.

Mary Baldwin
SIGNATURE

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SEP 27 1988

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE 734-9520

DIVISION OF ENVIRONMENT
P. O. Box 1626
Twin Falls, ID 83303-1626

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NOV 12 1987
Dept. of Water Resources
Region Office

November 10, 1987

Loren O. Holmes
Southern Region Manager
Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Re: Application for Water Permit No. 36-8335 (Buckeye Farms)
Amended Application No. 36-7740, 36-7741, and 36-7742

Dear Mr. Holmes:

We have reviewed the above subject applications for water permits and submit the following comments:

1) The applications propose to utilize waters for the major purpose of fish propogation that will have an adverse impact on water quality.

2) Over 40 new fish ponds are proposed for use in the referenced applications.

3) The fish propogation facilities must comply with EPA NPDES discharge requirements.

4) Due to the large number of proposed ponds, a best management practices plan must be developed and approved by EPA and our agency. Consideration of operating, maintenance, and monitoring shall be included in the plan.

We also have some concerns in terms of water quality impacts due to reduced flows on Billingsley Creek, Riley Creek, and Weatherby Springs resulting from the diversions.

Should any questions arise, please contact me.

Sincerely,

Michael J. McMasters

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SEP 27 1988

Michael J. McMasters
Source Control Field Officer

MJM/ta

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

November 3, 1987

Idaho Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Re: 36-7741, 36-7742

Gentlemen:

In 1977, the Department received protests from you against applications 36-7741, 36-7742 in which Buckeye Land Co. proposed to appropriate water for fish propagation purposes.

Hearings in the matter were held in February, 1978. However, a final resolution of the matter has never been completed, and the proposal has remained in the application stage until the present.

Recently, the applications were assigned to a new owner, Buckeye Ranch, Inc., who has amended it.

Copies of the Amended Applications are enclosed for your information.

The Department will continue to consider your protest against the Amended applications and we will notify you when further hearings are scheduled following the advertising and protest period which will end December 7, 1987.

If you no longer have concerns about what is proposed by the Amended applications and wish to withdraw your protest, please let us know.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb
Enclosure

SEP 27 1988

e of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

November 3, 1987

O.S. & Ethel Smith
Star Route
Bliss, ID 83314

Re: 36-7740, 36-7742

Dear Mr. & Mrs. Smith:

In 1977, the Department received protests from you against applications 36-7740 and 36-7742 in which Buckeye Land Co. proposed to appropriate water for fish propagation purposes.

You were notified of hearings to be held in the matter in February, 1978 but you did not appear at the hearings.

A final resolution of the matter was never made, and the proposals have remained in the application stage until the present.

Recently, the applications were assigned to a new owner, Buckeye Ranch, Inc., who has amended them.

Copies of the Amended Applications are enclosed for your information.

If you wish to continue your protest against approval of the Amended applications, you must give notice to this office by November 23, 1987. Failure to give notice will result in your protest being set aside and no longer considered.

If you have any questions, or if we can be of any assistance, please let me know.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb

Enclosure

RECEIVED
SEP 27 1988

e of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

November 3, 1987

Thousand Springs Trout Co.
Box 232
Buhl, ID 83316

Re: 36-7740, 36-7742

Gentlemen:

In 1977, the Department received protests from you against applications 36-7740 and 36-7742 in which Buckeye Land Co. proposed to appropriate water for fish propagation purposes.

Hearings in the matter were held in February, 1978. However, a final resolution of the matter has never been completed, and the proposal has remained in the application stage until the present.

Recently, the applications were assigned to a new owner, Buckeye Ranch, Inc., who has amended them.

Copies of the Amended Applications are enclosed for your information.

The Department will continue to consider your protest against the Amended applications and we will notify you when further hearings are scheduled following the advertising and protest period which will end December 7, 1987.

If you no longer have concerns about what is proposed by the Amended applications and wish to withdraw your protest, please let us know.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb
Enclosure

SEP 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

November 3, 1987

John Rosholt
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83303-1906

Re: Amended Applications 36-7740, 36-7741, 36-7742 & Application 36-8335 (Buckeye Farms, Inc.)

Dear John:

The Department acknowledges assignment of Applications 36-7740, 36-7741, & 36-7742 from Buckeye Land Co. to Buckeye Farms, Inc. and receipt of the new application by Buckeye Farms, Inc. which has been numbered 36-8335.

Advertising of the applications is planned for November 18 & November 25, 1987 and the final date for filing protests December 7, 1987.

A summary showing the current status of Protestants is attached. After advertising the applications, we will determine if an additional hearing is needed to resolve protests.

Further analysis of the files may also reveal that additional information about the proposed project is required. We will notify you of additional information requirements when they are determined.

Enclosed please find Receipt #44267 for $265.00 and Receipt #44289 for $60.00, filing fees for the above named applications.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb
Enclosures

SEP 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

October 23, 1987

Idaho Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

RE: Application for Water Permit No. 36-8335 (Buckeye Farms)
Amended Applications 36-7740, 36-7741, 36-7742

Gentlemen:

Enclosed for your information are copies of applications for water permit which has been filed with this office.

If you have any questions or need additional information regarding this application, please feel free to contact this office.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosures

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SEP 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

October 23, 1987

Gary R. Burkett
Idaho Dept. of Health & Welfare
P.O. Box 1626
Twin Falls, ID 83303-1626

RE: Application for Water Permit No. 36-8335 (Buckeye Farms)
Amended Applications 36-7740, 36-7741, 36-7742

Dear Mr. Burkett:

Enclosed for your information are copies of applications for water permit which has been filed with this office.

If you have any questions or need additional information regarding this application, please feel free to contact this office.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosures

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SEP 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

October 23, 1987

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

Re: Amended Applications for Permit 36-7741, 36-7742

Gentlemen:

Enclosed you will find legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us galley proofs for review before publication.

After sending us galley proofs, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED
SEP 27 1988

✓ aff

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

October 23, 1987

Idaho Statesman
Box 40
Boise, ID 83707

Re: Amended Applications for Permit 36-7741, 36-7742

Gentlemen:

Enclosed you will find legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us galley proofs for review before publication.

After sending us galley proofs, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED
SEP 27 1988

✓ aff

ate of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

October 23, 1987

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Re: Amended Applications for Permit 36-7741, 36-7742

Gentlemen:

Enclosed you will find legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us galley proofs for review before publication.

After sending us galley proofs, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED
SEP 27 1988

✓ off

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

October 23, 1987

Post Register
P.O. Box 1800
Idaho Falls, ID 83402

Re: Amended Applications for Permit 36-7741, 36-7742

Gentlemen:

Enclosed you will find legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us galley proofs for review before publication.

After sending us galley proofs, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED
SEP 27 1988

aff

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate public waters of the State of Idaho has been amended as follows:

36-7742

Buckeye Farms, Inc.
c/o John A. Burke, Secretary
P.O. Box 2199
Sun Valley, ID 83353

SOURCE: Billingsley Creek trib. to Snake River

Diversion Pt: SW1/4NE1/4, Sec. 31, T7S, R14E, Gooding County; 3 miles South of Hagerman.

Use:		
	Fish Propagation	(20.0 CFS)
	Recreation	(20.0 CFS)
	Aesthetics	(20.0 CFS)
	Fish & Wildlife Habitat	(20.0 CFS)

Total Quantity to be appropriated: 20.0 cfs

Original Filing Date: August 1, 1977
Date Amended: September 24, 1987

In: NE1/4SW1/4, S1/2SW1/4, Sec. 26; S1/2SW1/4, S1/2SE1/4, Sec. 27; S1/2NE1/4, N1/2SE1/4, SE1/4SE1/4, Sec. 33; N1/2NE1/4, SW1/4 NE1/4, S1/2NW1/4, W1/2SW1/4, Sec. 34; N1/2NE1/4, SW1/4NE1/4, W1/2 NW1/4, SE1/4NW1/4, Sec. 35, T7S, R13E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before ~~1987.~~ 12/07/87

R. Keith Higginson, Director

Published ~~11/5~~ 11/19 & ~~11/12/87~~ 11/26/87

MICROFILMED
SEP 27 1988

Statesville

/0769 legl 181-0305
008.0 IN 11/10 11:18

Correction called in 11/12/87, 3:30 pm Karen - Times News

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate public waters of the State of Idaho has been amended as follows.:

Buckeye Farms, Inc. (#36-7742)
c/o John A. Burke, Secretary
P.O. Box 2199
Sun Valley, ID 83353

SOURCE: Billingsley Creek trib. to Snake River.

Diversion PT: SW¼NE¼, Sec. 31, T7S, R14E, Gooding County; 3 miles South of Hagerman.

USE: Fish Propagation (20.0CFS)
Recreation (20.0 CFS)
Aesthetics (20.0 CFS)
Fish & Wildlife Habitat (20.0 CFS)

Total Quantity to be appropriated: 20.0 cfs

Original Filing Date: August 1, 1977

Date Amended: September 24, 1987

IN: NE¼SW¼, S½SW¼, Sec. 26: S½SW¼, S½SE¼, Sec. 27: S½NE¼, N½SE¼, SE¼SE¼, Sec. 33; N½NE¼, SW¼NE¼, S½NW¼, W½SW¼, Sec. 34; N½NE¼, SW¼NE¼, W½NW¼, SE¼NW¼, Sec. 35, T7S, R13E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83303 on or before December 7, 1987.

R. Keith Higginson, Director

PUBLISH: Thursday, November 19 and 26, 1987

Times News

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate public waters of the State of Idaho has been amended as follows:

36-7742

Buckeye Farms, Inc.
c/o John A. Burke,
Secretary
P.O. Box 2199
Sun Valley, ID 83353

Source: Billingsley Creek trib. to Snake River.

Diversion Pt: SW¼ NE¼, Sec. 31, T7S, R14E, Gooding County, 3 miles South of Hagerman.

Use: Fish Propagation (20.0 CFS)
Recreation (20.0 CFS)
Aesthetics (20.0 CFS)
Fish & Wildlife Habitat (20.0 CFS)

Total Quantity to be appropriated: 20.0 cfs

Original Filing Date: August 1, 1977

Date Amended: September 24, 1987

In: NE¼ SW¼, S½SW¼, Sec. 26; S½ SW¼, S½SE¼, Sec. 27; S½ NE¼, N½SE¼, SE¼ SE¼, Sec. 33; N½NE¼, SW¼ NE¼, S½ NW¼, W½ SW¼, Sec. 34; N½ NE¼, SW¼ NE¼, W½ NW¼, SE¼ NW¼, Sec. 35, T7S, R13E.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East, Twin Falls, Idaho 83301 on or before December 7, 1987.

R. KEITH HIGGINSON
Director

Pub. Nov. 19, 26, 1987 Ed Simmons 6983

OK MB 11/20/87

MICROFILMED
SEP 27 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

October 23, 1987

Gooding County Leader
Box 56
Gooding, ID 83330

Re: Amended Applications for Permit 36-7740, 36-7741, 36-7742

Gentlemen:

Enclosed you will find legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us galley proofs for review before publication.

After sending us galley proofs, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED
SEP 27 1988

✓ aff

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate public waters of the State of Idaho has been amended as follows:

36-7742

Buckeye Farms, Inc.
c/o John A. Burke, Secretary
P.O. Box 2199
Sun Valley, ID 83353

SOURCE: Billingsley Creek trib. to Snake River

Diversion Pt: SW1/4NE1/4, Sec. 31, T7S, R14E, Gooding County; 3 miles South of Hagerman.

Use:		
	Fish Propagation	(20.0 CFS)
	Recreation	(20.0 CFS)
	Aesthetics	(20.0 CFS)
	Fish & Wildlife Habitat	(20.0 CFS)

Total Quantity to be appropriated: 20.0 cfs

Original Filing Date: August 1, 1977
Date Amended: September 24, 1987

In: NE1/4SW1/4, S1/2SW1/4, Sec. 26; S1/2SW1/4, S1/2SE1/4, Sec. 27; S1/2NE1/4, N1/2SE1/4, SE1/4SE1/4, Sec. 33; N1/2NE1/4, SW1/4 NE1/4, S1/2NW1/4, W1/2SW1/4, Sec. 34; N1/2NE1/4, SW1/4NE1/4, W1/2 NW1/4, SE1/4NW1/4, Sec. 35, T7S, R13E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before ~~November 23, 1987~~. December 14, 1987

R. Keith Higginson, Director

Published 11/25 & 12/2/87

Gooding Co. Leader

MICROFILMED
SEP 27 1988

Gooding Legal

OK
MB
11/9/87

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate public waters of the State of Idaho has been amended as follows:

36-7742

Buckeye Farms, Inc.
c/o John A. Burke, Secretary
P.O. Box 2199
Sun Valley, ID 83353

Source: Billingsley Creek trib. to Snake River

Diversion Pt: SW1/4NE1/4, Sec. 31, T7S, R14E, Gooding County; 3 miles South of Hagerman.

Use: Fish Propagation	(20.0 CFS)
Recreation	(20.0 CFS)
Aesthetics	(20.0 CFS)
Fish & Wildlife Habitat	(20.0 CFS)

Total Quantity to be appropriated: 20.0 cfs

Original Filing Date: August 1, 1977

Date Amended: September 24, 1987

IN: NE1/4SW1/4, S1/2SW1/4, Sec. 26; S1/2SW1/4, S1/2SE1/4, Sec. 27; S1/2NE1/4, N1/2SE1/4, SE1/4SE1/4, Sec. 33; N1/2NE1/4, SW1/4NE1/4, S1/2NW1/4, W1/2SW1/4, Sec. 34; N1/2NE1/4, SW1/4NE1/4, W1/2NW1/4, SE1/4NW1/4, Sec. 35, T7S, R13E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before December 7, 1987.

R. Keith Higginson, Director

372364 - G11-18-2tc

MICROFILMED

SEP 27 1988

STAFF ANALYSIS SUPPLEMENT

1) Water District _____ Basin # 36

2) Local Description: (of one P/D)

☐ At the above street address

☒ 3 miles N/S 5 and _____ miles E/W _____

of Hagerman, Idaho (City or landmark).

☐ Other (describe): _____

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. 36-7742 - Buckeye Land Co.
			✓ Source
			✓ Point of Diversion
			✓ County
			✓ Quantity of Water and Period of Use
			✓ Description of Diverting Works
			✓ Time required for B/U of water
			✓ Place of Use or Acres Irrigated
			✓ Map
			✓ Signature
			✓ Fee
(1)	ADM	8-5-77	In form to receipt
(2)	"	"	Send Copies to:
			____ Idaho State Health Department
			✓ Idaho Fish and Game Department
			____ Bureau of Land Management
(3)	ADM	8-5-77	____
			____ Request Special Use Permit from U.S.F.S.
			____ Request Easement from B.L.M.
			✓ Request Information from Applicant 1. Financial Statement 2. Sketch of pond 3. Proof of Owners
(4)	G.L.	8/10/77	In form for advertising
(5)			Platted on Map No.____
(6)			Located within Water District No.____
(7)			Critical groundwater area: yes____ no ✓
(8)			Groundwater levels:
			____ Declining, ✓ Stable, ____ Increasing
			(comment)____
(9)			Other rights on the same place of use
(10)			Comments:____
(11)	[illegible]	8/29/77	Affidavit of Publication received(date) 8/26/77
(12)	[illegible]	8/10/77	Final date for protests 9/6/77
			Protests received: yes ✓ no____ Removed 2-24-78
(13)			All requested information received from agencies or applicant: yes____ no____
(14)	[illegible]	3-10-78	Action recommended:
			✓ Approve ____ Deny
			____ Proposed Priority
			____ Reason for Reduction____
			✓ Measuring device required
			____ See attached sheet for other conditions of approval
			____ No special conditions for approval
(15)	District Southern		By Michael Steele Date 3-10-78

RECEIVED
MAR 10 1978
Department of Water Resources

Inlet & Outlet

copy to Boise 3-8-77 gp

FISHERIES DEVELOPMENT
ROUTE ONE 208/837-4593
HAGERMAN, IDAHO 83332

RECEIVED
MAR 23 1978
Department of Water Resources

March 21, 1978

RECEIVED
MAR 23 1978
Department of Water Resources
Southern District Office

BDF

State of Idaho
Department of Water Resource
Statehouse
Boise, Idaho 83720

Attention Bobby D. Fleenor

Dear Mr. Fleenor:

I have been informed that the Buckeye Land Company made application number 367742 for permit to transfer water from Billingsly Creek to another part in Magic Valley, and to enter into the Snake River.

On September 3, 1977, I filed a protest on this filing. I never received a notice as prescribed by the Idaho State Code, or even a notice of the hearing other than prescribed by the Idaho State Code. Therefore, I am asking that there be a formal hearing so that I may present my case. I am also asking for 60 days notice prior to the hearing, so that I may prepare my case.

This application is very pertinent and could start a wave of such applications stripping lower Billingsly Creek of all of its water.

Very truly yours,

Raleigh W. Stevens

RS/clh

cc: Mike Steel

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SEP 27 1988

PARRY, ROBERTSON, DALY & LARSON
LAWYERS

R. P. PARRY
BERT LARSON
C. G. McINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE
J. EVAN ROBERTSON
THOMAS G. WALKER, JR.
JAMES C. TUCKER

THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 733-3722

T. M. ROBERTSON (1911-1977)
JOHN H. DALY (1913-1968)

February 24, 1978

RECEIVED
FEB 27 1978
Department of Water Resources
Southern District Office

Mr. Mike Steele
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Re: Application No. 36-7742

Dear Mike:

In talking to Bob Weaver after the hearing as to the objections of Thousand Springs Trout to this application, it was agreed that if the last sentence of our representation in paragraph 8c. were deleted, that Thousand Springs would have no objection to the permit.

The sentence that should be deleted in the response to paragraph 8c. in application No. 36-7742 reads as follows:

> "Same water is presently diverted on a year around basis."

By this deletion, applicant recognizes that Thousand Springs may eventually wish to contest the fact as to whether or not there is a diversion and a beneficial use on a year around basis from the Curran Ditch.

If Mr. Weaver has objections to this letter, I would ask that he contact you on or before March 1st.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT

JAR:bg
cc: Bob Weaver
Mike Fennen
Donnie McFadden

MICROFILMED
SEP 27 1988

BUCKEYE APPLICATIONS

SUMMARY OF PROTESTANT STATUS

PROTESTANT	36-7740 (Hrg 2/23/78-10:00am)		36-7741 (Hrg 2/23/78-1:00pm)		36-7742 (Hrg 2/22/78-1:00pm)	
	Protest	Present @Hrg	Protest	Present @Hrg	Protest	Present @Hrg
R.W. Stevens	X	No	X	No		
Mr/Mrs. O.S. Smith	X	No			X	No
Fish & Game			X	Yes	X	Yes
Thousand Sprs Trout	X	Yes			X	Yes
Jones & Sandy	X	Yes				
John LeMoyne			X*	Yes		

*Protest Withdrawn

RECEIVED
SEP 27 1988

STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 4
868 EAST MAIN – P. O. BOX 428
JEROME, IDAHO 83338

STATEMENT OF IDAHO FISH AND GAME DEPT.

Re: Protest Against Approval of Application for Permits No.'s: 36-7742, 36-7739 and 36-7740 - Billingsley Creek Water Diversions

The Idaho Department of Fish and Game protests the granting of application nos: 36-7742, 36-7739 and 36-7740 for water diversions on Billingsley Creek based upon the following considerations.

The flow reduction of 30 c.f.s. (Curran and Weatherby) in upper Billingsley Creek and 12 c.f.s. in lower Billingsley combined would have a detrimental impact on the fisheries and wildlife resources of the stream. If these are approved, combined with other proposed applications for water to be considered by the Department of Water Resources, the impact on fish and wildlife resources in Billingsley Creek would be devastating. Fish production and eventually the total population could be entirely eliminated in the stream. A complete loss of valuable waterfowl, shorebird and furbearer habitat could also result.

Although these public benefits by law, are not now considered in decisions by the Department of Water Resources it would appear some change in direction must be taken soon before all of our spring waters are diverted and irreplaceable resources are lost forever.

MICROFILMED
SEP 27 1988

36-7742

Protestant

M+M Mrs O S Smith

Water originally decreed to Bar S ranch

Stipulation will be prepared by 1000 spr (Bob Weaver) resolving protest

F & G will rely on testimony presented during 36-7739

MICROFILMED

SEP 27 1988

36-7742 - Buckeye Land Company

Department of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, Idaho

Wednesday, February 22, 1978, 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Robert Bailsford	Twin Falls	
Vern Gravencamp	Wagerman, Idaho	Buckeye Land Co.
Dale Turnipseed	Jerome, Idaho	Idaho Fish and Game
Robert C Weaver	Buhl, Idaho	Thousand Springs Trout Co.
Michael Lemmen	Buhl, Idaho	Thousand Springs Trout Farms, Inc.
John A. Roskoct	P.O. 525 Twin Falls	Buckeye Land Co
Bonnie McFadden	Hagerman, Id	applicant

MICROFILMED
SEP 27 1988

Re: Buckeye Land Co. protests (36-7739, 40, 41, & 42)

Name and Address of Sender

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

Indicate type of mail:
☐ REGISTERED ☐ REGISTERED C.O.D. ☑ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	656	Donnie Mc Fadden (all files) Hagerman	.24	.60					
2	657	Paul E. Watkins (36-7739) "	.13	"					
3	658	K. H. Stevens (36-7739, 40 & 41) "	"	"					
4	659	Edward C. Shokal (36-7739) "	"	"					
5	660	Mr. & Mrs. O. S. Smith (36-7739, 40 & 42) Bliss	"	"					
6	661	William Webb (J. & M.) (36-7739, 41 & 42) Jerome	"	"					
7	662	Dale Beyer (36-7739) Hagerman	"	"					
8	663	Richard Cook (36-7739) "	"	"					
9	664	Mike D. Fennema, 1000 Spr. Jr. Farms (36-7740 & 42) Buhl	"	"					
10	665	D. Brent Martens for Jones & Sandy (36-7740) "	"	"					
11	666	John R. LeMoyne (36-7741) Hagerman	"	"					
12	~~667~~								
13									
14									
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RECEIVED SEP 27 1974

TOTAL NO. OF PIECES LISTED BY SENDER	TOTAL NO. OF PIECES REC'D AT P.O.	POSTMASTER, PER (Name of receiving employee)	*Show under "Remarks" class postage paid if other than first or if international
11			

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

☆ U. S. GOVERNMENT PRINTING OFFICE: 1974-0-529-726

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval of Application for Permit No. 36-7742 in The Name of Buckeye Land Company.	NOTICE OF CONFERENCE AND/OR HEARING

On August 1, 1977, Buckeye Land Company, a partnership, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department received protests against approval of said application.

The Department has set the matter of protest for conference and/or hearing for Wednesday, February 22, 1978, at 1:00 p.m., in the Southern Region Office, Department of Water Resources. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this twenty-sixth day of January, 1978.

Michael L. Steele
Southern Region Supervisor

MICROFILMED
SEP 27 1988

October 6, 1977

Mr. Douglas Grant
Parry, Robertson, Daly & Larson
P. O. Box 525
Twin Falls, ID 83301

Re: Buckeye Land Company - 36-7739, 36-7740, 36-7741 & 36-7742

Dear Mr. Grant:

Enclosed please find copies of the protests filed against the issuance of the above-referenced permits, which you requested upon your visit to this office today.

Hearings have not yet been scheduled, however you will be notified by certified mail when they are set.

If you have any further questions, please feel free to contact our office.

Sincerely,

Sheryl Munsee
Secretary

Enclosures

MICROFILMED
SEP 27 1988

September 8, 1977

Buckeye Land Company, A Partnership
Mr. Donnie McFadden
Route #1
Hagerman, ID 83332

Re: Application for Permit No. 36-7739, 36-7740, 36-7741, & 36-7742

Dear Mr. McFadden:

Enclosed are copies of the protests filed against the issuance of a permit pursuant to your Application Nos. 36-7739, 36-7740, 36-7741, & 36-7742. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and to attempt to resolve the protests.

If you do not advise us within twenty (20) days that the protests have been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the applications for permits (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?

2. Is the proposed water supply insufficient for the purposes intended?

3. Is the application made in good faith or for delay or speculative purposes?

4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of further assistance, please contact us.

Sincerely,

RECEIVED
SEP 27 1977

Michael L. Steele
Southern Region Supervisor

MLS:sm

Enclosures

R
S

RECEIVED
SEP 6 1977
Department of Water Resources
Southern District Office

R
S

R BAR S RANCH
R. W. STEVENS
ROUTE ONE 208/837-4954
HAGERMAN, IDAHO 83332

Sept. 3, 1977

RE: Application # 36-7742

Department of Water Resources
Southern District

Gentlemen:

I wish to protest application # 36-7742 applied for by the Buckeye Land Co. Hagerman, Idaho.

Such a granting of application would be in direct violation of the Idaho Water Laws and Regulations.

I especially request to see any figures that substantiate the need for the amount of water being taken the year round from the Buckeye Ditch and the other ditches into the same area in the off seasons for stock water. Furthermore I ask that evidence be produced at the hearing and generalities not be admitted or considered as evidence. In other words, as in any hearing, evidentiary procedures should be enforced.

Under the Idaho Code, this application covers a new allotment of water and we have not had enough water in Billingsley Creek this year, it is over allocated.

Very truly yours,

R. W. Stevens

P.S.
Would you please send me a copy of application and bill me for same.

SEP 7 1977

RECEIVED
SEP 6 1977
Department of Water Resources
Southern District Office

September 6, 1977

Mr. Michael L. Steele, Supervisor
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, ID 83301

Dear Mr. Steele:

This letter is in protest of Applications for a Permit Nos. 36-7739, 36-7740 and 36-7742 in the name of Buckeye Land Company, to appropriate water from the Billingsley Creek for fish propagation.

Presently the waters of Billingsley Creek are not adequately measured and administered and any additional filing will jeopardize existing rights on the lower end of Billingsley Creek.

Sincerely,

Mr. & Mrs. O. S. Smith
Star Route
Bliss, ID 83314

Ethel C Smith
O. S. Smith

SEP 27 1988

STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 4
868 EAST MAIN – P. O. BOX 428
JEROME, IDAHO 83338

RECEIVED
SEP 6 1977
Department of Water Resources
Southern District Office

September 2, 1977

Mike Steele, Supervisor
Department of Water Resources
1041 Blue Lakes Boulevard N.
Twin Falls, Idaho 83301

Dear Mike:

The Idaho Department of Fish and Game protests the granting of water application #367739 for 12 c.f.s. of Billingsley Creek water and application #367742 for 20 c.f.s. of Billingsley Creek water. Both applications are by the Buckeye Land Company for fish rearing purposes.

The Department feels use of this amount of water on a year-round basis would be detrimental to the fisheries resource on Billingsley Creek and could have an adverse effect on the effluent dilution capacity of the stream.

Sincerely,

IDAHO DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

William E. Webb

William E. Webb
Region 4 Supervisor

WEW: ar

cc: Fisheries Divison
District Conservaton Officer
Environmental Services

MICROFILMED
SEP 27 1988

THOUSAND SPRINGS TROUT FARMS, INC.

Phone / Area Code 208 / 543-4311

Box 232 / Buhl, Idaho 83316

1000 Springs

ROCKY MOUNTAIN RAINBOW TROUT

RECEIVED
SEP 1 1977
Department of Water Resources
Southern District Office

August 30, 1977

Mr. Michael L. Steele
Idaho Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301

RE: Application for Permits # 36-7742 and 36-7740
Buckeye Land Company
Hagerman, ID 83332

Dear Mr. Steele,

This letter is in protest to the granting of the above applications to appropriate a total of 30 c.f.s. from Billingsley Creek and one of its tributaries.

Application # 36-7742, SW¼, NE¼, Sec. 31, Twp. 75, Rge. 14E B.M. appears to be for the diversion of Billingsley Creek water (20 c.f.s.) that will pass down the Curran ditch to a proposed fish propagation site on the Buckeye Ranch. This proposed diversion appears to be for a consumptive use since it will not be returned to Billingsley creek above our Idaho Springs Trout Farm.

Application # 36-7740, NE¼, SW¼, Sec. 30, Twp. 75, Rge. 14E B.M. appears to be a filing for 10 c.f.s. out of the Weatherby Spring, a tributary to Billingsley creek, again above our Idaho Springs hatchery.

We believe a prior water filing will show that the Jones & Sandy Livestock Company's hatchery has a diversion for the Weatherby spring for the propagation of trout.

Thousand Springs Trout Farms, Inc., the owner and operator of Idaho Springs trout hatchery in Hagerman has an existing permit to divert water from Billingsley creek for the propagation of trout. Records at the Department of Water Resources, Boise office, will show that our permit # 32600 is for diverting 100 c.f.s. and claim # 364011 is for diverting an additional 50 c.f.s.

We are proven non-consumptive and beneficial users. Our water measurements show at our point of diversion that Billingsley creek is lowest during

SEP 27 1988

May, June and July (± 48 c.f.s.). If any more water is consumptively diverted above our hatchery, we will be virtually out of water and the production of trout.

It is our opinion that the quality and quantity of Billingsley creek water at our point of diversion is continually becoming poorer. The unchecked number of irrigation wells north and east of Hagerman coupled with the present drought could be disasterous to the waters of Billingsley creek. Further diversions out of Billingsley creek will only decrease the asthetic value and seriously reduce the amount of water already alloted to prior water filings.

Sincerely,

THOUSAND SPRINGS TROUT FARMS, INC.

Mike Fennen

Mike G. Fennen
Farm Production Manager

MGF/cn

MICROFILMED
SEP 27 1988

INTER-DEPARTMENT MEMO

FROM Allen Merritt

DATE 8/26/77

TO File

SUBJECT Buckeye Land Co. Financial Statement

Today Mike Steele and myself reviewed the financial statements of Buckeye Land Co. The applicant showed sufficient financial assets to complete all proposed works with regards to applications # 36-7739, #36-7740, #36-7741 & # 36-7742.

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SEP 27 1988

Allen
SIGNATURE

August 15, 1977

Mr. Bill Webb
Idaho Fish & Game Department
P. O. Box 428
Jerome, Idaho 83338

Application for Permit No. 36-7739 - Buckeye Land Co.
36-7740 - Buckeye Land Co.
36-7741 - Buckeye Land Co.
36-7742 - Buckeye Land Co.

Dear Mr. Webb:

Enclosed are the copies of the above referenced applications for permit which may be of interest to your agency. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter.

If you have questions regarding the applications, please contact this office.

Sincerely,

James E. Stanton
Water Resource Agent

JES/dj

MICROFILMED
SEP 27 1988

August 10, 1977

Gooding County Leader
Box 56
Gooding, Idaho 83330

Re: Application for Permit No. 37-7654 - Jay A. Brown
Claim to a Water Right No. 37-4087 - City Of Gooding
Application for Permit No. 36-7741 - Buckeye Land Co.
36-7739 - Buckeye Land Co.
36-7742 - Buckeye Land Co.
37-7649 - Marvin &/or Marge Pierson

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

MICROFILMED
SEP 27 1988

Michael L. Steele
Southern Region Supervisor

MLS/dj

Bill submitted: _____

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Buckeye Land Co.

Hagerman, Idaho 83332

has on 8/1/77 submitted Application No. 36-7742

for a permit to appropriate ~~20~~ cubic feet per second acre feet per annum

of water from Billingsley Creek

by means of Diversion through existing ditch

within the SW¼NE¼, Sec. 31, Twp. 7S, Rge. 14E, B. M. Gooding County

to be used from Jan. 1 to Dec. 31 for Fish propagation

for

within the SW¼NW¼, Sec. 34, SE¼NE¼, Sec. 33, Twp. 7S, Rge. 13E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before September 6, 1977.

C. Stephen Allred

Director

Published in the Gooding County Leader

on 8/18 and 8/25/77

MICROFILMED

SEP 27 1988

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Buckeye Land Co. Hagerman, Idaho 83332 has on 8/1/77 submitted Application No. 36-7742 for a permit to appropriate 20 cubic feet per second of water from Billingsley Creek by means of Diversion through existing ditch within the SW¼NE¼, Sec. 31, Twp. 7S, Rge. 14E, B.M. Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation within the SW¼-NW¼, Sec. 34, SE¼NE¼, Sec. 33, Twp. 7S, Rge. 13E, B.M.

If issued, this permit will be subject to all prior water rights. Protests aginst the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before September 6, 1977.

/s/ C. Stephen Allred
Director

Pub: 8-18, 25

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SEP 27 1988.

INTER-DEPARTMENT MEMO — 1

FROM Allen Merritt

DATE 8-8-77

TO File

SUBJECT Buckeye Land Company Applications 36-7739; 36-7740; 36-7741; 367742

I talked with Donnie McFadden reguarding the legal description of the place of use. Mr. McFadden said that the area inwhich the ponds are proposed to be constructed is located directly south of the ranch and the ponds will be no more than 1/4 mile in length and 100' in width. The area south of the ranch is described as the SW1/4 NW1/4 of Sec 34 & SE1/4 NE1/4 of Sec. 33, T. 7S., R. 13 E., B.M.

MICROFILMED
SEP 27 1988

Allen
SIGNATURE

3/79

IDENT. NO. 310-7742

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
kw	8/31/88	Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
ch	12-31-79	Keypunched by State Office