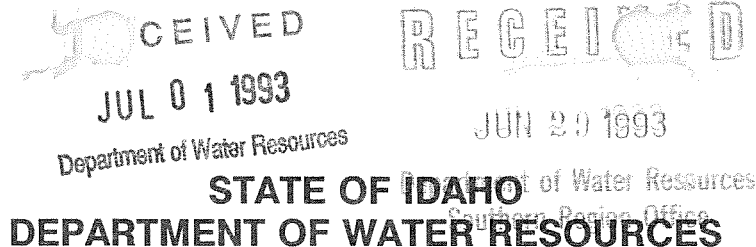


**STARTING
LEFT
SIDE OF
FILE**



OFFICE USE ONLY
Amt. of Fee \$ 600
Date 6/29/93
Receipt No. 5015935
Receipt by [Signature]

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. 36-07741 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: RILEY 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 24.0 cfs OR _____ acre/feet

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

Lockable
Measuring device: Required? Yes No Installed? _____ Yes _____ No

OR
Flow Measurement Port: Required? _____ Yes No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 600.00 (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

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 John A. Rosholt JOHN A. ROSHOLT
Date Signature (and title, if on behalf of a company or organization) ATTORNEY-IN-FACT

JUL 07 1993

NO. 36-07741

Proposed Priority: August 1, 1977

Maximum Diversion Rate:

24.00 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:

RILEY 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

24.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 1, Township 08S, Range 13E
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. Use of water under this right shall be non-consumptive.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. 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.
7. 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.
8. Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.
9. 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.
10. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
11. Use of water under this right is subject to control by the watermaster of State Water District No. 36A.

JUN 28 1994

RECEIVED

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

SEP 24 1987

To appropriate the public waters of the State of Idaho

ASSIGNEE:

Department of Water Resources
Southern Region Office

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 Riley Creek which is a tributary of SNAKE RIVER

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____

Sec. 1 Township 8 S. Range 13 E. B.M. Gooding County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 24 cfs for fish propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 24 cfs for recreation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 24 cfs for aesthetics purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 24 cfs for fish & wildlife habitat purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 24 cfs and/or (b) 17,375.46
cubic feet per second 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
and 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).

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AUG 01 1988

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Fish propagation raceways are constructed and in use utilizing 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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	13E	33	JR W	JR W	JR W	JR W									JR W	JR W	~~JR~~ ~~W~~	JR W	
		34								H	JR W	JR W	JR W		JR W	JR W			

Total number of acres to be irrigated _____

- 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 and fish ponds prior to irrigation.
- Who owns the property at the point of diversion? State
 - Who owns the land to be irrigated or place of use? Assignee
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

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 notice and 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 up to 24 cfs of the waters of Riley Creek diverted through the Hunt Ditch presently decreed and diverted and used at the Buckeye Ranch pursuant to the New International Mortgage Bank v. Idaho Power Company Decree.

Proposed Priority 9/24/87 :

Received by M. Baldwin Date 7/8/87 Time 4 pm Preliminary check by ADH

Fee \$ 20⁰⁰ Received 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. 36-7740 , 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 m.

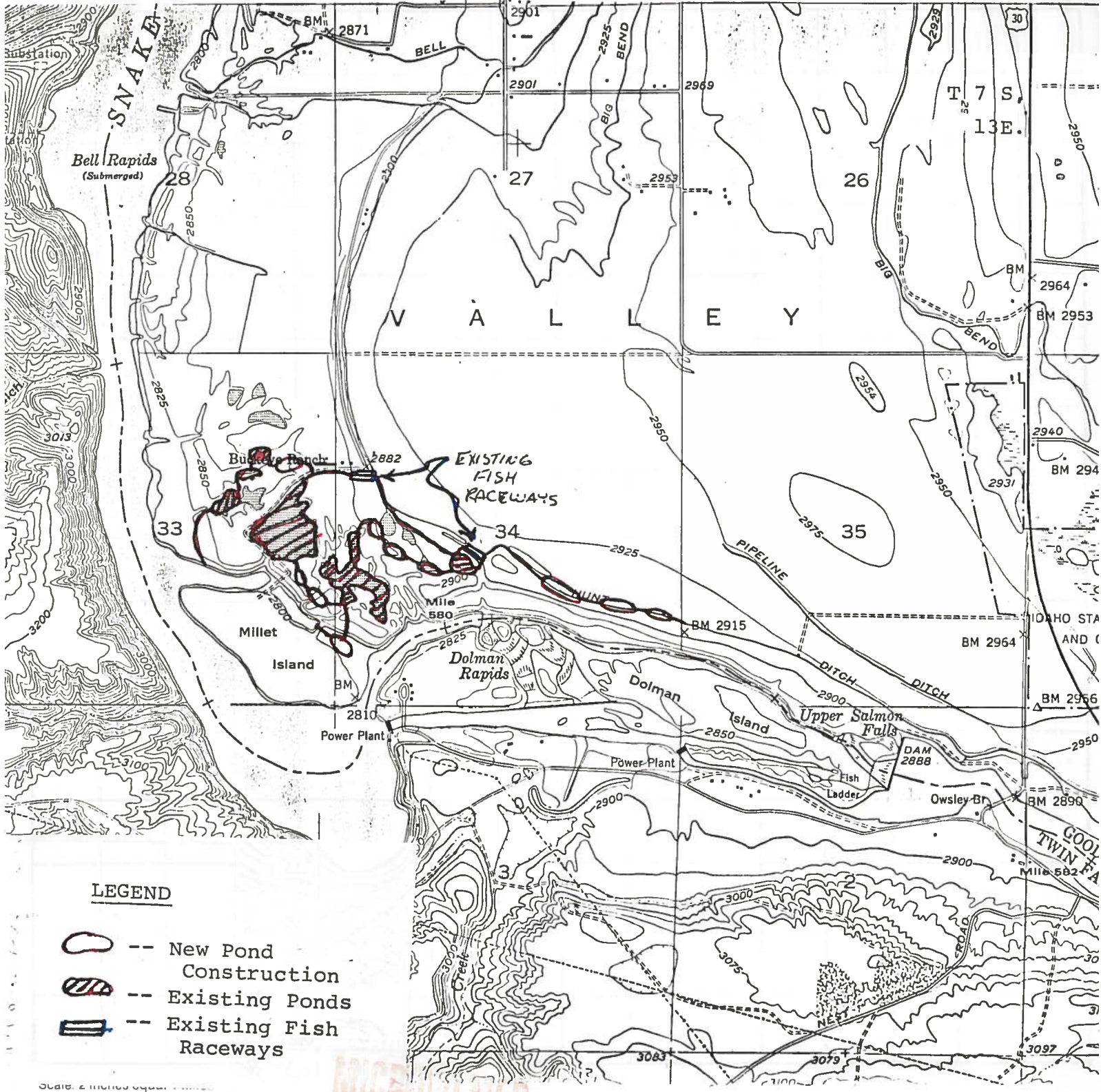
Witness my hand this 26th day of July , 1988.

R. Kirk Higgins
Director

MICROFILMED

AUG 01 1988

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



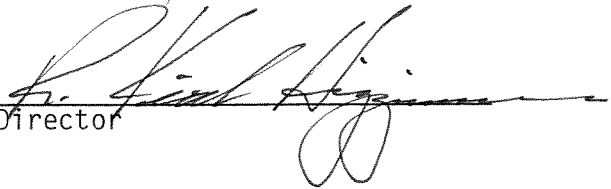
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth. 1 1304

John A. Beule, Secretary
(Applicant)
BUCKEYE FARMS, INC.

ATTACHMENT TO CONDITIONS OF APPROVAL
For Permit No. 36-7741

- 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. 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 26TH day of July, 1988.


Director

MICROFILMED

AUG 01 1988

NOTICE OF **AMENDED**
APPLICATION FOR
WATER PERMIT

The following application for permit to appropriate public waters of the State of Idaho has been amended as follows:

36-7741

Buckeye Farms, Inc.
c/o John A. Burke,
Secretary
P.O. Box 2199
Sun Valley, ID 83353
SOURCE: Riley Creek
Trib. to Snake River
Diversion Pt: SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 1, T8S, R13E,
Gooding County; 3 miles
South of Hagerman.

Use: Fish Propagation
(24.0 CFS)
Recreation (24.0 CFS)
Aesthetics (24.0 CFS)
Fish and Wildlife
Habitat (24.0 CFS)

Total Quantity to be Appropriated: 24.0 cfs

Original Filing Date:
August 1, 1977

Date Amended:
September 24, 1987
IN: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 83,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 34, T7S, R13E.

The permit (s) will be subject to all prior water rights. Protest 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
PUBLISH: Thursday,
November 19 and 26,
1987.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

No 18037

I, Linda Copps McLuire 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 Publications, 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 McLuire
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

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

LEGAL ADVERTISING
INVOICE

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

Date 112687 INVOICE No. L00121133
Account No. 44662 36-7741
Description 21133NOTIC
Times 2 Lines 38
Tab Lines

RECEIVED

DEC 8 1987

Department of Water Resources
Southern Region Office

\$ 33.25

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

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 regular-
ly 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 be-
ing on 111987, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 111987, and the last pub-
lication 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.

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

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

21133
NOTICE OF AMENDED
APPLICATION FOR WATER PER-
MIT
Notice is hereby given that the fol-
lowing application for permit to ap-
propriate public waters of the State
of Idaho has been amended as fol-
lows:
36-7741
Buckeye Farms, Inc.
c/o John A. Burke, Secretary
P.O. Box 2199
Sun Valley, ID 83353
SOURCE: Riley Creek trib. to Snake
River
Diversion Pt: SW¼NE¼, Sec. 1,
T8S, R13E, Gooding County; 3 miles
South of Hagerman.
Use:
Fish Propagation (24.0 CFS)
Recreation (24.0 CFS)
Aesthetics (24.0 CFS)
Fish & Wildlife Habitat (24.0 CFS)
Total Quantity to be Appropriated:
24.0 cfs
Original Filing Date: August 1, 1977
Date Amended: September 24, 1987
In: NE¼, N½SE¼, SE¼SE¼, Sec.
33; SE¼NW¼, N½SW¼, SW¼SW¼,
N½SE¼, Sec. 34, 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 De-
cember 7, 1987.
R. Keith Higginson, Director

MICROFILMED

AUG 01 1988

AFFIDAVIT of PUBLICATION

RECEIVED

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

DEC 4 1987

Department of Water Resources
Southern Region Office

John H. Fullmer

_____, 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 continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive 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.

John H. Fullmer

Subscribed and sworn to before me this 3

day of Dec, 19 87.
(SEAL)

John H. Fullmer
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 34
Number of Insertions 2

Lines tabular at _____ 5¢/Pica
34 Lines straight at 17.68 4¢/Pica
34 Subsequent lines at 13.26 3¢/Pica
TOTAL COST 30.94

COPY OF NOTICE

(Paste Here)

Amended Application
Buckeye Farm
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

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

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

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

36-7741

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

Source: Riley Creek trib. to Snake River
Diversion Pt: SW1/4NE1/4, Sec. 1, T8S,
R13E, Gooding County; 3 miles South of
Hagerman.

Use: Fish Propagation (24.0 CFS)
Recreation (24.0 CFS)
Aesthetics (24.0 CFS)
Fish & Wildlife Habitat (24.0 CFS)
Total Quantity to be Appropriated: 24.0
cfs

Original Filing Date: August 1, 1977
Date Amended: September 24, 1987
In: NE1/4, N1/2SE1/4, SE1/4SE1/4, Sec.
33; SE1/4NW1/4, N1/2SW1/4,
SW1/4SW1/4, N1/2SE1/4, Sec. 34, 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
372366 - G11-25-2tc

MIN 1009

AUG 01 1988

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, 1987, last publication having been made on the 26th day of November, 1987, 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.

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

[Signature]
Notary Public

My commission expires September 30, 1988.

B10

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

36-7741

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

SOURCE: Riley Creek trib. to Snake River
Diversion Pt. SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, T8S, R13E,
Gooding County, 3 miles South of Hagerman.

Use: Fish Propagation	(24.0 CFS)
Recreation	(24.0 CFS)
Aesthetics	(24.0 CFS)
Fish & Wildlife Habitat	(24.0 CFS)

Total Quantity to be Appropriated: 24.0 cfs

Original Filing Date: August 1, 1977

Date Amended: September 24, 1987

In: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33;
SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.
34, 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

OK
MB
12/8/87

MICROFILMED

AUG 01 1988

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

42.90

Account Name Idaho Department of Water Resources (Southern)			Account Number #100632		
Address 2148 4th Avenue East		City/State Twin Falls, ID		Zip 83301	
Ordered By Mary A. Baldwin	P.O. Number	Rate NT	Run Dates 1987 Nov. 19, 26		
Identification Amended Application for Water Permit: 36-7741			Estimated Inches		Real Inches
1 Number of Affidavits Requested					Legal Number #6984

RECEIVED

DEC 2 1987

Department of Water Resources
Southern Region Office

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

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:

36-7741

Buckeye Farms, Inc.
c/o John A. Burke,
Secretary

P.O. Box 2199
Sun Valley, ID 83353

Source: Riley Creek trib. to Snake River

Diversion Pt: SW¼ NE¼, Sec. 1, T8S, R13E, Gooding County; 3 miles South of Hagerman.

Use: Fish Propagation (24.0 CFS)
Recreation (24.0 CFS)
Aesthetics (24.0 CFS)
Fish & Wildlife Habitat (24.0 CFS)

Total Quantity to be appropriated: 24.0 cfs

Original Filing Date: August 1, 1977

Date Amended: September 24, 1987

In: NE¼ N½ SE¼, SE¼ SE¼, Sec. 33; SE¼ NW¼, N½ SW¼, SW¼ SW¼, N½ SE¼, Sec. 34, 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

6984

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, 19 87
and ending with the issue of November 26, 19 87

Deborah Gregory

Subscribed and sworn to before me this 27th
day of November, 19 87

NOTARIED

AUG 01 1988

Janice M. Garding
Notary Public for Idaho, Residing at Boise, Idaho

RECEIVED
SEP 29 1987

Department of Water Resources

ASSIGNMENT OF WATER RIGHT

RECEIVED

SEP 24 1987

Department of Water Resources
Southern Region Office

BUCKEYE LAND COMPANY, a partnership, hereby assigns all of its right, title and interest in and to Application for Idaho Water Permit No. 36-7741 to BUCKEYE FARMS, INC., P.O. Box 2199, Sun Valley ID 83353.

DATED This 21st day of September, 1987.

By: Donnie M. Fadden
A General Partner
Buckeye Land Company

STATE OF IDAHO)
County of Twin Falls) ss.

On this 21st day of September, 1987, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Donnie M. Fadden, 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 Gore
NOTARY PUBLIC FOR IDAHO
Residing at: Bliss
Commission expires: 8-12-93

8468m

FILED

AUG 01 1988

ASSIGNMENT OF WATER RIGHT

Identification No. _____

Application No. 36-7741

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)

VOID - see
AMENDED
APP.

RECEIVED
AUG 2, 1977

Department of Water Resources
Salt Lake District Office

1. Name of applicant Buckeye Land Company, a partnership
post office address Route 1, Hagerman, Idaho 83332

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

3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1 Township 8 S.
Range 13 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 $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section 33 Township 7 S. Range 13 E. B.M. Gooding County

4. Water will be used for the following purposes:

Amount 24 c/f/s for fish propagation purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 24 cubic feet per second and/or

b. 17,375.46 acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____
Existing ditches as shown on map.

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 _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

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 \$ 10,000.

8. Description of proposed uses:

*As per phone conversation
8/8/77

ADM

a. If water is **not** for irrigation: SW NW 34
(1) Give the place of use of water: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33 Township 7S
Range 13E 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.

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. Same water is
perfected right diverted year around for irrigation and
stockwater.

9. a. Who owns the property at the point of diversion Hunt Ditch

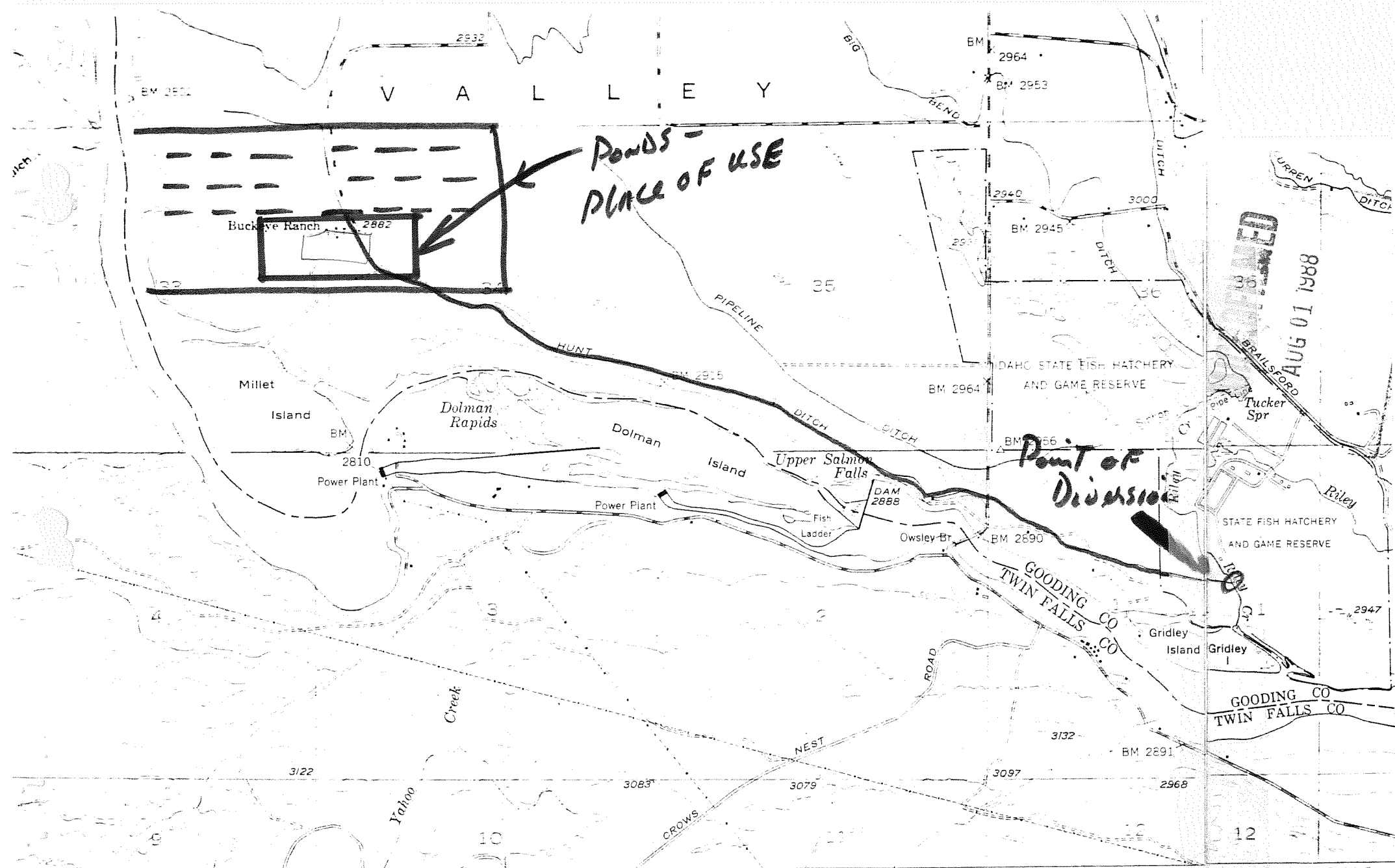
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks Purpose of application is to perfect right to additional
use of same water for non-consumptive fish propagation use.

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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.

[illegible]

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

MICROFILMED

AUG 01 1988

By:

Donnie McVasse
(Applicant) A General Partner

(Applicant) A General Partner

Received by LS Date 8/1/77 Time 10:30
Preliminary check by ADM Fee \$ 92-179 #23500
Receipted by Am Date 8/4/77 #8692
Publication prepared by ADP Date 8/10/77
Published in Gooding County Leader
Publication dates 8/18 + 8/25/77
Publication approved AD Date 8/30/77
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

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:

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- Other: _____

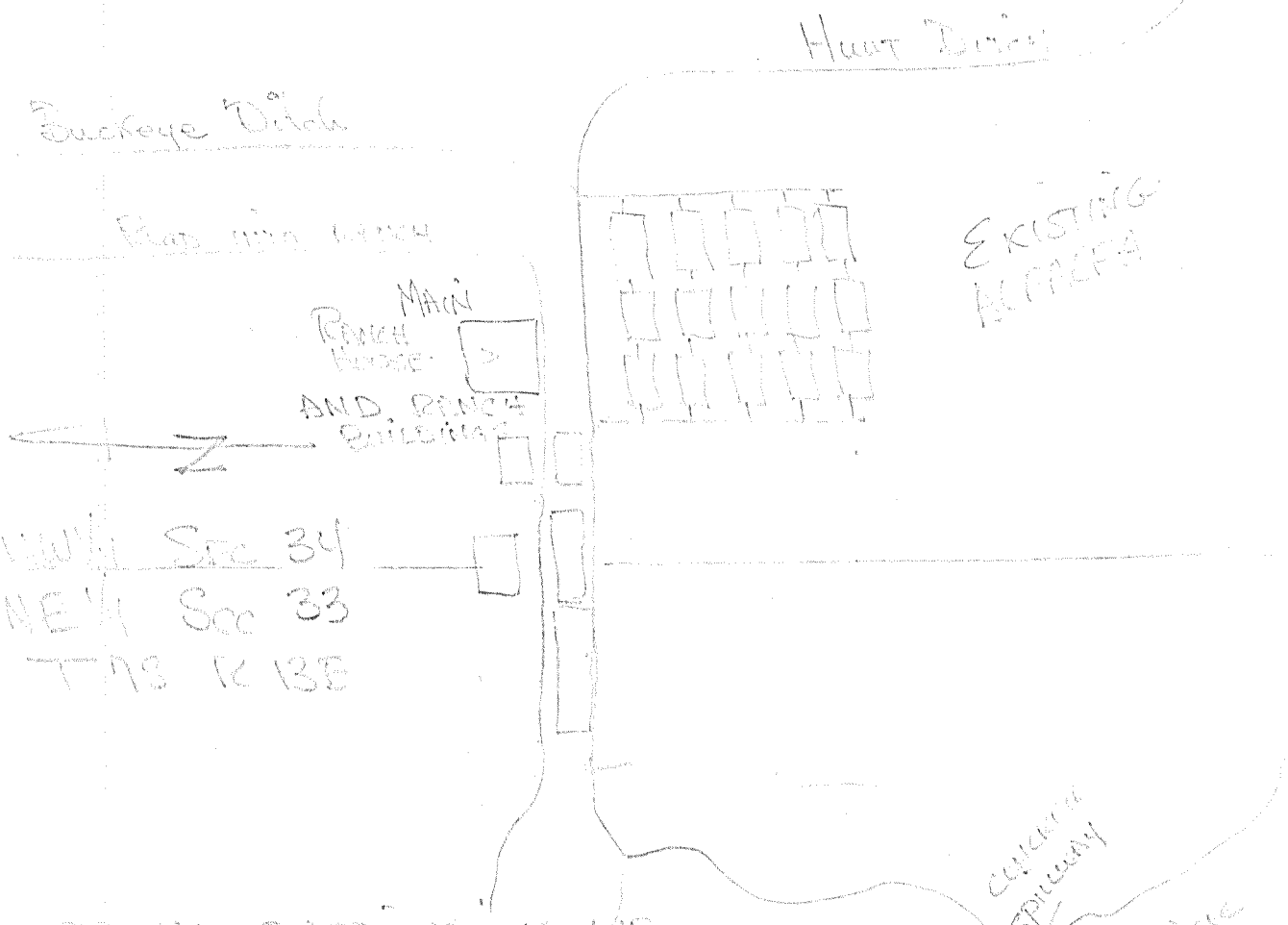
2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____ 19____.

Director

MICROFILMED

AUG 01 1988



UPON APPROVAL OF APPLICATIONS, WE
 PLAN TO CONSTRUCT 5 RACEWAYS
 CONSISTING OF 5 PONDS EACH
 25'x100' (each pond 25'x100')

AND WITHIN FIVE YEARS,
 CONSTRUCT 8 ADDITIONAL RACEWAYS
 WITH THE SAME LAYOUT & DIMENSIONS.

WE HAVE OUR OWN EXCAVATING
 EQUIPMENT AND ESTIMATE THE
 PROJECT WORK AT 25,000
 PER POND

ALL PONDS WILL BE DIRT PONDS
 5' deep with concrete
 LEAKERS

Snake
 River

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 AUG 01 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

ARM:sd
enclosures

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

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AUG 01 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 _____

NOT RECORDED

AUG 01 1908

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)

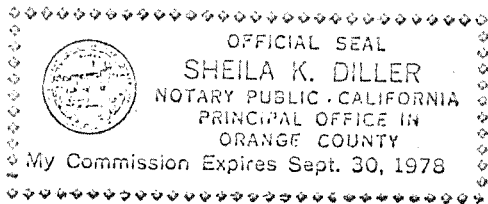
ON January 27 , 1975 , before me, the
undersigned, a Notary Public in and for said State, personally
appeared Anthony R. Moiso known to me to be a

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AUG 01 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.



Sheila K. Diller
Notary Public

MICROFILMED

-3- AUG 0 1968

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

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AUG 01 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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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 MANAGEMENT COMPANY

BY Anthony R. Moiso

By James E. West

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss

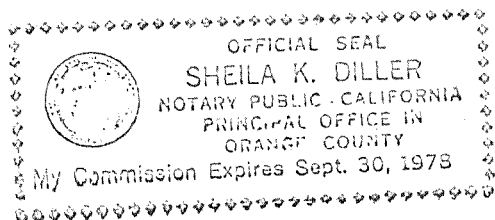
ON January 27 , 19 75, before me, the
undersigned, a Notary Public in and for said County and State,
personally appeared James E. West known to
me to be the _____ President, and Anthony R. Moiso
known to me to be the Executive Vice Secretary of the
President

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AUG 01 1968

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.



Sheila K. Diller
Notary Public

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AUG 01 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)
 : §
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.

R. L. Hagerman
Notary Public in and for said
County and State

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AUG 01 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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AUG 01 1988

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

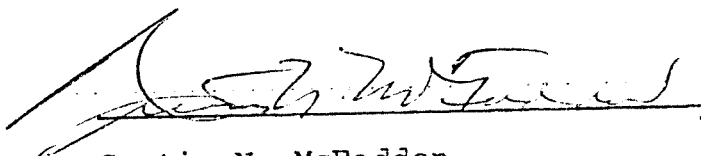
4.1 The business of the Partnership shall be:

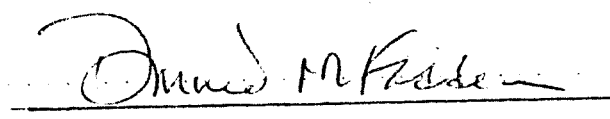
(a) To enter into a joint venture with VIEJO LAND COMPANY, a California limited partnership, for the purpose of acquiring that certain ranch property commonly known as the "Buckeye Ranch," located in the County of Gooding, State of Idaho, improving and equipping the same with certain live stock and ranching 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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AUG 01 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

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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AUG 01 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 incidental 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.

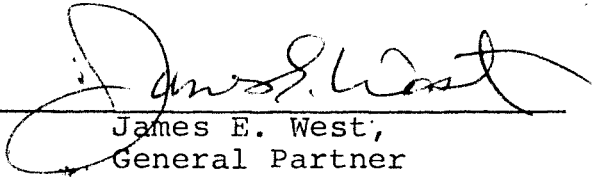
4. Place of Business. The principal place of business of the Venture shall be 26137 La Paz Road, Mission Viejo, California, or such other place or places as may from time to time be agreed upon by both Venturers.

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

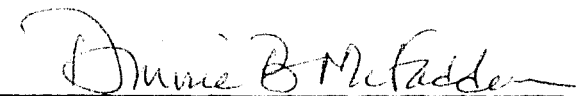
RECEIVED
AUG 01 1988

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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AUG 01 1988

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Gooding } SS.

Kim R. Crumpton, 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

Subscribed and sworn to before me this 25

day of August, 19 77.
(SEAL)

Gamer Uno
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

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

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. 36-7741 for a permit to appropriate 24 cubic feet per second of water from Riley Creek by means of Existing ditches within the SW¹/₄NE¹/₄, Sec. 1, Twp. 8S, Rge. 13E, B.M. Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation within the SW¹/₄NW¹/₄, Sec. 34, SE¹/₄NE¹/₄, 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.

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

RECEIVED

AUG 29 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

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21145 AUG 01 1988

N^o 1332

**STARTING
RIGHT
SIDE OF
FILE**



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 propagation 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
Water Resource Agent

RECEIVED

JUN 28 1994

Water Right Number - P36-07741

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- HAGERMANEY 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 - - - - - +
RILEY CREEK SNAKE RIVER

Point of Diversion							Diversion Name	Diversion Rate	Diversion No.
Twn	Rng	Sec	Tract	Lot	Rflg	County			
08S	13E	1	SW NE			(47) GOODING			

Water Use		Period From		Period To	Diversion Rate	Diversion Volume
Code	Description					
19	FISH PROPAGATION	01/01	12/31		24.000	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
24.000

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

+ - - Diversion Means - DITCHES, PIPELINE & PONDS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-7739.

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

Water right number - P36-07741

Prefix Translation: PERMIT

```

+ - - - - 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.
027 - Use of water under this right shall be non-consumptive.
004 - The issuance of this right in no way grants any right-of-way
      - or easement across the land of another.
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.
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.
044 - Use of water under this right is subject to policies set forth
      - in the State of Idaho Water Plan, including Policy No. 5G.
005 - Use of water under this right is subject to control by the
      - watermaster of State Water District No. 36A.
  
```

```

+ - - - - 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 36-08729.
  
```

+ - - 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 - 07/26/1988   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 -
  
```

SHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. RSHOLT
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

RECEIVED
JUN 08 1994
Department of Water Resources

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

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,

151 *John K. Simpson*
JOHN K. SIMPSON

RECEIVED

JUN 28 1994

RECEIVED
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

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 CONTENTED 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

RECORDED

JUN 28 1994

BUCKEYE FARMS INC.
18335 US HWY 30
HAGERMANEY ID 833320000

July 2, 1993

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-07741

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. 36-07741 Reviewed by Klg Date 7/1/93

GENERAL CONSIDERATIONS

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

TYPES OF USE

fish propagation, Recreation,
aesthetics, fish & wildlife habitat
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?
600 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 18335 US Hwy 30 Wagonman 7/1/93 Klg Proof Made lockable
183332 6/29/93
7/2/93 Klg

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): 36-07741

[] 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: _____

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:

36-07741

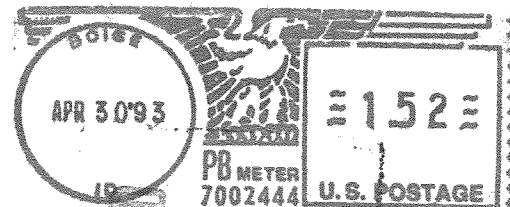
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

North Orchard Street
Boise, Idaho 83706-2237

XXB01 ID

CERTIFIED MAIL

37 DEC 1 04 50-93 0:22
NO. 140102



RECEIVED
JUL 07 1993
UNDELIVERABLE
AS ADDRESSED
FORWARDING
ORDER EXPIRED

RECEIVED
MAY 06 1993
Department of Water Resources

Dom. Ind 5/7/93

63253-2199

April 30, 1993

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

PROOF DUE NOTICE

RE: PERMIT NO. 36-07741

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.

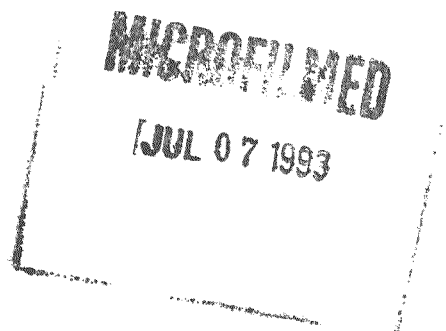
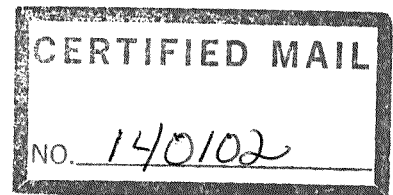
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 27, 1988

RE: Permit Nos. 36-7740 & 36-7741

Buckeye Farms, Inc.
Box 2199
Sun Valley, ID 83353

Gentlemen:

Enclosed are copies of your approved Applications for Permit. We direct your attention to the conditions of approval on the fourth pages. Also enclosed is a copy of the Order Dismissing Protest against approval of Permit No. 36-7740.

Be sure to note the special condition requiring you to install measuring devices and lockable controlling works that will enable the watermaster to control your rates 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 permits were issued, and you must proceed diligently until the projects are completed. The enclosed blue cards must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permits were 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 these permits into licenses.

Sincerely,

GARY SPACKMAN
Supervisor, Water Allocation Section

GS:sc

Enclosures

cc: Bruce H. & Denny ^{Tyler} Taylor

MICROFILMED

AUG 01 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Gary S. DATE 7/21/88 APPLICATION NUMBER 36-7740
36-7741

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☐ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion
☐ Yes ☒ No Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☐ No Send fish farm requirement letter ?
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.) *Do not need because nonconsumptive use.*
☒ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

QUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

☐ Yes ☐ No In form for advertising
☐ Yes ☐ No Statewide advertising
☐ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare
☐ Idaho Dept. of Fish & Game
☐ Idaho Dept. of Lands
☐ Adjudication Bureau Unit

☐ U.S. BLM
☐ U.S. Forest Service
☐ Water District
☐ Other

☐ Yes ☐ No Affidavit of publication received
☐ Yes ☐ No Application published correctly. If not, record action taken.

☐ Yes ☐ No Publication dates & paper, recorded on application

☐ Yes ☐ No Protests received

Final date for protest _____

☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application

☐ Yes ☐ No Recommendations attached

☐ Yes ☐ No Measuring device required

☐ Yes ☐ No Access port required

☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____

☐ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended

By _____ Date _____

STATE OFFICE REVIEW

☐ See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slightly textured appearance and some minor discoloration or shadows, suggesting it's a physical scan. There is no handwriting or other markings on the paper.

Form No.
7/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHECKLIST OF REQUIREMENTS
LARGE DIVERSION SUPPLEMENTARY
ANALYSIS SHEET*

EFFECT ON EXISTING RIGHTS

- ? ☐ Yes ☐ No Springs/surface streams with 5 or less existing users - *Disputes with other users on Weatherby Springs, Billingsley Creek and Riley Creek were resolved thru the protest process.*
- ☐ Identify number of impacted rights
- ☐ Name and address of users
- ☐ Location of points of diversion
- ☐ Nature of use of the existing rights
- ☐ Yes ☐ No Groundwater
- ☐ Plat showing proposed well and any other wells &/or springs within ½ mile radius
- ☒ Yes ☐ No Statement of design construction, or operation techniques which will be used to reduce impact on existing rights - *During hearing conference, applicant agreed to limit diversion to the amount historically diverted.*

SUFFICIENCY OF WATER SUPPLY

Water Requirements of Proposed Project

- ☒ Required diversion rate during peak use (Maximum rate)
- ☐ Required diversion rate during average use period
- ☐ Annual volume
- ☒ Season of use
- ☐ Volume to be consumptively used/year

Quantity of Water Available from Source

- ☒ Flow rates for surface water sources available during peak and average water demand period - *This may not be available. Not needed anyway because diversion limited to historic amount*
- ☐ Properties of aquifers
- ☐ Other sources available for supplementation

GOOD FAITH, DELAY OR SPECULATION

☐ Copies of deeds, leases, easements, and right-of-ways from _____

10 ☐ Power applications affidavit form 205/206 is required

☐ Yes ☐ No Other needed permits, licenses, or approvals required. If yes, _____.

FINANCIAL RESOURCES

- ☒ Current certified financial statement
- ☒ Financial commitment letter/financial statement from committed party
- ☐ Project design/plans along with cost estimation to complete project

*For applications of more than 5 cfs. or more than 500 AF.

LOCAL PUBLIC INTEREST

Comments received from:

- ☐ City ☒ Idaho Fish & Game ☐ Irrigation District
☒ County ☒ Idaho Health & Welfare ☐ Canal Company
☐ Reservations Division of Environment ☐ Other _____

Withdrew protest

Project impacts/implications report

COMMENTS

FROM CHERYL

DATE

TO FILE

SUBJECT

✓
36-7740, 7741, 7742, 8335

PLEASE REFER TO 36-7740 FOR ALL CORRESPONDENCE
RELATING TO THESE FILES.

INDEXED

AUG 01 1988

SIGNATURE

FROM

CAERMP

DATE

5/2/88

TO

FILE

SUBJECT

36-7741 ✓

-7742

-8335

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

SIGNATURE

MICROFILMED

AUG 01 1988

FROM *Loren Holmes - Southern*DATE *4/13/88*TO *File 36-7741*

SUBJECT

*This Application has the same history &
background as 36-7740.*

The same conditions of approval should apply.

MICROFILMED

AUG 01 1988

LH.

SIGNATURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Adm APPLICATION NUMBER: Amended 36-7741

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.
☒ 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.

Field check by: _____

Date: _____

Comments: _____

*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

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☒ No Other rights on same place of use. None for 36-7740, 7742
7741, 7739, 8335
☒ Yes ☐ No* In form for advertising.
Final date for protests: _____
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- Statewide*
☒ Affidavit of publication received. Date: 12/4/87
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
withdrawn ☒ 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
per rule 3.4, 3.41 9-24-87 Date of priority recommended. Billing set & Riley ct.
Special conditions of approval or cover letter. _____

file copy destroyed

See App 36-7740

app. dismissed from Swan Falls suit
see dismissal 1-4

ok to allow 5 yrs. as requested for B/U development

By: Loren D. Hahn Date: 4/13/88

STATE OFFICE REVIEW:

P08 P17 43 44 45 26 27 04 05 (36-A, B)

☐ See attached sheet for more information

By: kw

Date: 7/11/88

RECEIVED
APR 19 1988

Department of Water Resources

APPLICATION 36-7741
STATUS OF PROTESTANTS FOLLOWING 3/1/88 CONFERENCE

Riverside Ranches	Represented by Calvin Eccles Protest withdrawn at conference
Edward D. & Ruth C. Shokal	Present at conference Protest withdrawn at conference
Calvin & Myrle Eckles	Present at conference Protest withdrawn at conference
Laurence J. Smith	Present, did not sign roster Protest withdrawn at conference
Hagerman Valley Citizens' Alert	Represented by Marne Mercer, Pres. Protest withdrawn at conference
Paul & Inez Watkins	Present at conference Protest withdrawn at conference
Idaho Dept of Fish & Game	Protest Withdrawn 2/29/88
R. W. Stevens	Did not appear at original hearing Did not request to continue as a party
John LeMoyne	Protest withdrawn following 2/23/78 hearing

MICROFILMED

AUG 01 1988

BUCKEYE FARMS INC. APPLICATIONS
LIST OF PROTESTANTS

NAME

Stanley & Barbara Hoskovec

Richard L. Cook, President, Sands ditch

Patsy Dunn, Secretary, Riverside Ranches

Dale Boyer

Edward D. & Ruth C. Shokal

H.L. "Burt" Holmes

Calvin & Myrle Eckles Riverside Ranches

Laurence J. Smith

Verl C. Bell

Edna M. Rea — withdrawn (36-8335) 2/24/88

Weatherby Springs Water Users

Mrs. Stanley Hoskovec

Hagerman Valley Citizens' Alert

Robert M. Strom

Paul E. & Inez S. Watkins

(Clear Lakes Trout Co. &
Fisheries Development Co.

Bruce H. & Denny Tyler

~~Ancie P. Bell~~ withdrawn 2/24/88

TroutCo.

~~Id. Dept. of Fish & Game*~~ withdrawn 2/26/88

Thousand Springs Trout Co.*

~~Jones & Sandy*~~ Walter P. Jones

* Parties carried forward from original hearings

APPLICATION NO.

36-7740

36-7741

36-7742

36-8335

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

X

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X

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X

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X P

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X P

X

X

X P

X

X

X

X

X P

X

X P

X

X P

X

X

X P

X

X

X

X

RECEIVED

AUG 01 1988

6.5 Weatherby Springs

124 Pile

Curran Ditch

Billingsley Ditch

12 cfs

submitted on conference record

A PARTIAL TRANSCRIPT OF THE CONFERENCE AND/OR HEARING FOR
BUCKEYE LAND CO. FOR APPLICATION NO. 36-7740
HELD ON MARCH 1, 1988

(starts at 12 minutes on the tape)

HEARING OFFICER: Okay, as I understand it where we are at the present time is Application 36-7740 this is for 6.5 cubic feet per second of water from springs, everyone has withdrawn their protest against that one. 36-7741, which is Riley Creek right through the Hunt Ditch and everyone has withdrawn their protest on that particular application. Then the 12 cubic feet per second from Billingsley Creek through the Buckeye Ditch, everyone has withdrawn their protest on that one except Mr. Shokal and Riverside Ranches.

MICROFILMED

AUG 01 1988

Place: American Legion Hall Hagerman, ID

Date: 10:00 a.m., March 1, 1988

Hearing Officer Eob Fleenor

Assisted by Loren Holmes

ROSTER OF ATTENDANCE

Name	Address	Representing
<i>William E. Smith</i>	<i>Hagerman</i>	<i>Self</i>
<i>Edward C. Shokal</i>	<i>Rt #1 Box 410 Hagerman</i>	<i>Private Party</i>
MARNE MERCER	919 Justice Grade, Hagerman	Citizens Alert
David D. Joergen	800 FALLS AVE. T.F.	J-U-B ENGRS.
Dennis Zimmerman	" " " "	" "
<i>Ketchum Upstream</i>	<i>929 Justice Grade, Hagerman</i>	<i>Self and Husband</i>
<i>Mr. and Mrs. Cal Eckha</i>	<i>HC 55 Box 1255 Bliss Idaho</i>	<i>Riverside Ranches</i>
<i>Kyle Hoffman</i>	<i>Route #1 Zilar, ID.</i>	<i>Self</i>
<i>Mike Fenners</i>	<i>RT 4 Buhl, Id</i>	<i>Fish Breeder of Id.</i>
Gill Joseph	RR #1 Box 254 Hagerman	Self
Mary E. Joseph	Rt #1, Box #254, Hagerman	Self
Ruth Shokal	Rt. 1, Box 410 Hagerman	Self
~~Mr. Vera Flint~~	RT 1 Box 414 Hagerman	Self
John A. Burke	Box 326, S.O. IDAHO	Buckeye Farms, Inc
J.G. Boswell	Box 413 Ketchum "	Buckeye Farms Inc
Kew Ellis	Rt 5 Box 5053 Buhl, ID	Agua Life Corp
Daryl Thellus	Rt 5 Box 5053 Buhl ID	Agua Life Corp
Robert Juppens	P.O. Box 1110 Hagerman	Wooding Co. Comm.
<i>Richard L. Loh</i>	<i>Box 22 Rt #1 Hagerman</i>	<i>Sand's Ditch Water User</i>
<i>Mr. Dale (Kline) H. Boney</i>	<i>P.O. Box 232 Hagerman</i>	<i>Self</i>
Maxine Mercer	919 Justice Grade	Self
Stanley Workman	2856 S 900 E Hagerman	Self
Paul E. Watkins	RT 1 Box 412 Hagerman	Self

AUG 01 1988

ate:

Hearing Officer _____

Assisted by _____

ROSTER OF ATTENDANCE

[illegible]

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, Chairman
ROBERT P. THACKERAY

MICROFILMED

AUG 01 1988

JAR/dcb
77011

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

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

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

March 15, 1988

RECEIVED

MAR 15 1988

Idaho Department of Water Resources
Twin Falls Office
2148 Fourth Avenue E.
Twin Falls ID 83301

Department of Water Resources
Southern Region Office

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

AUG 01 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.

Thank you for the opportunity to review this proposal.

Sincerely,

Michael J. McMasters

Michael J. McMasters
Source Control Field Officer

MICROFILMED

AUG 01 1988

MJM/ta

EQUAL OPPORTUNITY EMPLOYER

cc: Robert L. Brown

BLAINE COUNTY TITLE INC.

P.O. BOX 3176, KETCHUM, IDAHO 83340
(208) 726-0700

February 25, 1988

Idaho Department of Water Resources
HAND DELIVER TO JOHN A. BURKE

RECEIVED

MAR 15 1988

RE: Order No. 1669/The Buckeye Ranch

Idaho Department of Water Resources
Boise Region Office

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

MAIL ROOM

AUG 01 1988

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: SW $\frac{1}{4}$;

Section 26: NE $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{2}$ NW $\frac{1}{4}$;
EXCEPTION THEREFROM a parcel of land described as

follows:

Beginning at the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
said Section 26;

Thence North and parallel with the East line of
Section 26 to the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ 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 NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said
Section 26;

Thence East and parallel with the North line of
Section 26 to THE POINT OF BEGINNING.

Section 35: NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$;

EXCEPTING THEREFROM the following land:

Beginning at the Northeast corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$ 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$, 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26;

East side of E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35 and West
side of NW $\frac{1}{4}$ NW $\frac{1}{4}$ 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
SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36 and a portion of the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 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.

continued

AUG 01 1988

Parcel No. 2:

Township 7 South, Range 13 East of the Boise Meridian, Gooding County,
Idaho

Section 27: $S\frac{1}{2}SW\frac{1}{4}$; $S\frac{1}{2}SE\frac{1}{4}$;

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)

REPROFILMED

AUG 01 1988

RECEIVED

FEB 26 1988

Dept. of Water Resources
Twin Falls 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

ROBERT P. THACKERAY

ROBERT E. TUPPER

RON HOHNHORST

MICROFILMED

AUG 01 1988

JAR/dcb
77011



RECEIVED

FEB 12 1988

Department of Water Resources
Twin Falls 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.

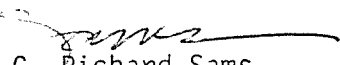
Gentlemen:

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

AUG 01 1988



Region 4
868 E. Main, P.O. Box 428
Jerome, Idaho 83338
Telephone: (208) 324-4350

RECEIVED

FEB 26 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

RECEIVED

AUG 01 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

D. Brent Martens (1949-1986)

BUHL OFFICE
Professional Center -- 1020 Main
Post Office Box 589
Buhl, Idaho 83316-0589
Telephone (208) 543-4368

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

January 15, 1988

OUR FILE NUMBER

Director, Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, Idaho 83301

RECEIVED

FFB 9 1988

RE: Application of Buckeye Farms, Inc.
36-7740, 36-7741 and 36-8335

Department of Water Resources
Southern Region Office

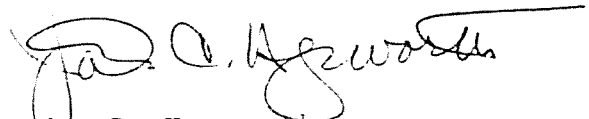
Gentlemen:

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

RECORDED

AUG 01 1988

IDWR

2/8/88

NAME AND
ADDRESS
OF SENDER36-7740
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

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	RES. RI
1	372 ✓	Stanley & Barbara Hoskovec	.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 ✓	Lawrence J. Smith									
9	380 ✓	Verl C. Bell									
	381 ✓	Edna M. Rea									
11	382 ✓	Weatherby Spgs. Water Users (Vern Bell)									
12	383 ✓	Mrs. Stanley Hoskovec									
13	384 ✓	Hagerman Valley Citizens Alert (M. Mercer)									
14	385 ✓	Robert M. Strom									
15	386 ✓	Paul E. & Inez S. Watkins									

RECEIVED
AUG 01 1988

TOTAL NUMBER OF
PIECES LISTED BY
SENDER
Continued

TOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

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 valued up to \$1,000 or the full amount of the deductible if the deductible is \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for insured mail. Special handling charges apply only to third-class and class parcels. Special delivery service also includes special handling service.

NAME AND
ADDRESS
OF SENDER

- P. 2 - Buckeye

37-7740
37-7741
37-7742
37-8335

☐ Registered
☐ Insured
☐ COD
☒ Certified

☐ A deductible clause of \$

POSTMARK AND DATE OF RECEIPT

COO AND CERTIFIED MAIL

PS Form 3877 April 1980

NAME AND ADDRESS OF SENDER		37-774/1 37-774.2 37-8335		☐ Insured ☐ COD ☒ Certified		\$		POSTMARK AND		DUE SENDER IF C.O.D.		R. R. FEE		S. H. FEE		REST.	
1	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS				POSTAGE	FEE	Handling Charge	Actual Value (If Registered)								
1	387	Clear Lakes Trout Co. (W.F. Ringert)				.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. Nungesser)															
9	395	Fred Decker, Atty for Verl Bell															
10	396	Buckeye Farms, Inc.															
11																	
12																	
13																	
14																	
15																	

25

184 ea

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

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

☆ U.S. GOVERNMENT PRINTING OFFICE : 1

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

☆ U.S. GOVERNMENT PRINTING OFFICE : 1

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.

COUNTY: Gooding

Loren O. Holmes
Southern Region Manager

BUCKEYE FARMS APPLICATIONS
36-7740, 36-7741, 36-7742, 36-8335
LIST OF PARTIES

Page 1

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

MICROFILMED

AUG 01 1988

BUCKEYE FARMS APPLICATIONS
36-7740, 36-7741, 36-7742, 36-8335
LIST OF PARTIES

Page 2

Clear Lakes Trout Co. &
Fisheries Development Co.
c/o W.F. Ringert, Attorney
P.O. Box 2773
Boise, ID 83701

Jones & Sandy
c/o William L. Nungester
P.O. Box 589
Buhl, ID 83316

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

MICROFILMED

AUG 01 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	
Jones & Sandy*				

* Parties carried forward from original hearings

X MICROFILMED
X AUG 01 1988

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
LISTING OF WATER RIGHTS

02/08/88

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-7740	BUCKEYE FARMS, INC. P.O. BOX 2199 SUN VALLEY, ID 83332	08-04-1977	WILDLIFE FISH PROPAGATION RECREATION AESTHETIC	01-01 12-31 01-01 12-31 01-01 12-31 01-01 12-31	6.50 CFS 6.50 CFS 6.50 CFS 6.50 CFS	APPLICATION
					6.50 CFS TOTAL	AFA TOTAL

SOURCE: WEATHERBY SPRINGS

TRIBUTARY: BILLINGSLEY CREEK

REMARKS: P/U FOR AESTHETICS & RECREATION SAME AS WILDLIFE

POINT OF DIVERSION:

T07S R14E S30

NESW

STREAM INDEX:

NO INDEX CODE

PLACE OF USE: WILDLIFE

T07S R13E S26

NESW

SWSW

SESW

S27

SWSW

SESW

SWSE

S33

SWNE

SENE

NESE

SESE

NWSE

S34

NENE

NWNE

SWNE

SWSW

SESE

SENE

NWSW

S35

NENE

NWNE

SWNE

NWNW

SWSW

SENE

PLACE OF USE: FISH PROPAGATION

T07S R13E S34

SWSW

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

FISH PROPAGATION

RECREATION

AESTHETIC

01-01 12-31

01-01 12-31

01-01 12-31

01-01 12-31

24.00 CFS

24.00 CFS

24.00 CFS

24.00 CFS

24.00 CFS TOTAL

AFA TOTAL

APPLICATION

SOURCE: RILEY CREEK

TRIBUTARY: SNAKE RIVER

REMARKS: P/U FOR AESTHETICS & RECREATION SAME AS WILDLIFE

POINT OF DIVERSION:

T08S R13E S01

SWNE

STREAM INDEX:

NO INDEX CODE

PLACE OF USE: WILDLIFE

T07S R13E S33

NENE

NWNE

SWNE

SENE

NESE

NWSE

SESE

S34

NESW

NWSW

SWSW

NESE

NWSE

NOT RECORDED
 AUG 01 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 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 12-31 01-01 12-31 01-01 12-31 01-01 12-31	20.00 CFS 20.00 CFS 20.00 CFS 20.00 CFS	APPLICATION AFA TOTAL
SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER						
REMARKS: P/U FOR AESTHETIC & RECREATION SAME AS WILDLIFE						
POINT OF DIVERSION: T07S R14E S31 SWNE						
STREAM INDEX: NO INDEX CODE						
PLACE OF USE: WILDLIFE						
T07S R13E S26 NESW SWSW SESW						
S27 SWSW SWSE SESE						
S33 SWNE SENE NESE NWSE						
S34 NENE NWNE SWNE SWNW						
S35 NENE NWNE SWNE NWNW						
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 12-31 01-01 12-31 01-01 12-31	12.00 CFS 12.00 CFS 12.00 CFS	APPLICATION AFA TOTAL
SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER						
OTHER USES: W/VARIABLE						
REMARKS: SEND CORRESPONDENCE TO: JOHN ROSHOLT, ATTORNEY						

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AUG 01 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 TO	MAXIMUM DIVERSION	STAGE
36-8335	REMARKS: P.O. BOX 1906; TWIN FALLS, ID 83303-1906					
	POINT OF DIVERSION: T07S R13E S11	SENE	STREAM INDEX: 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			

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NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

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Boise Office
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BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

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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Department of Water Resources
Southern Region Office

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AUG 01 1988

Calvin and Myrle Eckles
February 3, 1988
Page - 2

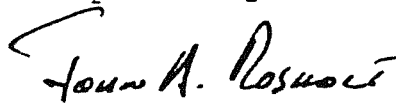
January 5, 1973, for 36 cfs at the same place of use. We also find Permit No. 36-7750 (above referred to) with a priority date of September 19, 1977, in the name of Smith for the use of Billingsley Creek water at the same location, and an additional use location of the SWNW of Section 11. We also find 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

JAR:dcb
74061

Enclosures

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AUG 01 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN TUCKER

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February 2, 1988

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FEB 5 1988

Department of Water Resources
Southern Region Office

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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Mr. and Mrs. Paul E. Watkins
February 3, 1988
Page - 2

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

JAR:dcb
74191

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NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

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February 3, 1988

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FEB 5 1988

Department of Water Resources
Sawtooth Region Office

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

AUG 01 1988

Idaho Department of Fish & Game
February 3, 1988
Page - 2

Buckeye Ranch. Presently the water is being diverted by John LeMoyné 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.

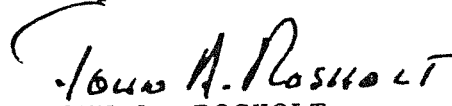
Application 36-7742 seeks to add fish propagation, recreation, aesthetics and fish and wildlife habitat to the Billingsley Creek water that is diverted to the ranch through the Curren Ditch. The ranch is decreed 20 cfs through the Curren Ditch. That water is now diverted most of the year. In some years, 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

JAR:dcb
74261

Enclosures

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AUG 01 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

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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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Mr. H.L. Holmes
Rock Lodge Motel
February 3, 1988
Page - 2

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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NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

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BOISE, IDAHO 83702-2139
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February 3, 1988

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Department of Water Resources
Southern Region Office

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

AUG 01 1988

Ms. Patsy Dunn, Secretary
Riverside Ranches, Inc.
February 3, 1988
Page - 2

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

MICROFILMED

AUG 01 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

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February 3, 1988

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FEB 5 1988

Department of Water Resources
Southern Region Office

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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Ms. Marne Mercer, President
Hagerman Valley Citizens Alert, Inc.
February 3, 1988
Page - 2

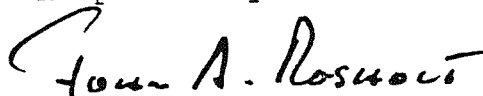
No. 36-7742 is an application to use the Curren Ditch water entitlement of the Buckeye Farms property for similar purposes. Although all of the water has not all been diverted on a year round basis, most of it has. The Buckeye's property right is 20 cubic feet per second. Application 36-7742 seeks the 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 LeMoyné 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

JAR:dcb
74171

MICROFILMED

AUG 01 1988

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

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

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

February 3, 1988

RECEIVED

FEB 5 1988

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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AUG 01 1988

Mr. and Mrs. Edward C. Shokal
February 3, 1988
Page - 2

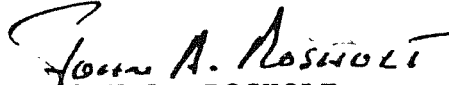
is 20 cubic feet per second. Application 36-7742 seeks the diversion of 20 cfs on a year round basis with the addition of trout propagation, recreation, aesthetics and fish and wildlife habitat as validated uses. Application No. 36-7741 involves the waters of Riley Creek that are diverted to the Buckeye 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

JAR:dcB
74081

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AUG 01 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

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Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

February 3, 1988

RECEIVED

FEB 5 1988

Mr. Lawrence J. Smith
HC 60, Box 1255
Bliss ID 83314

Department of Water Resources
Southwest Region Office

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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AUG 01 1988

Mr. Lawrence J. Smith
February 3, 1988
Page - 2

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.

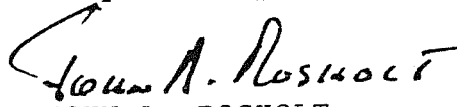
These applications will validate other uses of water that is already being diverted. No more water will be taken in the irrigation season than is already taken. I am also having difficulty seeing how Buckeye's filings could impact your nonirrigation season water. The U.S.G.S. measurements at the gage 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

JAR:dcb
74101

Enclosures

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AUG 01 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?

RECEIVED
AUG 01 1988

January 21, 1988
Page 2

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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AUG 01 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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AUG 01 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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AUG 01 1988

Page 2
January 19, 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

NOT RECORDED

AUG 01 1988

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DEC 10 1987

Department of Water Resources
Southern Region Office

RECEIVED

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:

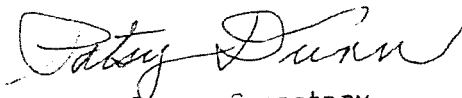
Riverside Ranches, Inc. of Hagerman protests filings listed
below

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 re-
move 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, 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, 12 CFS, 24 CFS and 20 CFS. One of these would
be too much.

Because of these reasons, we believe no more filings should
be allowed above us.

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AUG 01 1988

RECEIVED

December 9, 1987

DEC 9 1987

Department of Water Resources
Southern Region Office

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:

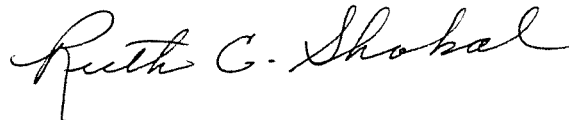
We wish to protest the above mentioned Amended Applications (36-7740, 36-7741, 36-7742) and Application 36-8335.

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
Ruth C. Shokal



Rt. 1, Box 410
Hagerman, ID 83332

MAILED

AUG 01 1988

Dear Sir; RECEIVED

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. ³⁶⁻⁸³³⁵ ~~36-7740~~ ³⁶⁻⁷⁷⁴¹ ~~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 fairly done most of the water that the Buckeye Ranch is now receiving

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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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RECEIVED

DEC 7 1987

Department of Water Resources
Regional Office

HC 60 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,

Myrtle Eckles

Calvin Eckles

Riverside Ranches Inc

FILED

AUG 01 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

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DEC 7 1987

Department of Water Resources
Southern Region Office
TWIN FALLS OFFICE

Blick Building

133 Shoshone Street North

Post Office Box 389

Twin Falls, Idaho 83303-0389

Telephone (208) 734-7510

OUR FILE NUMBER

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

December 4, 1987

Director, Department of
Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, Idaho 83301

RE: Applications of Buckeye Farms, Inc.
36-7740, 36-7741 and 36-8335

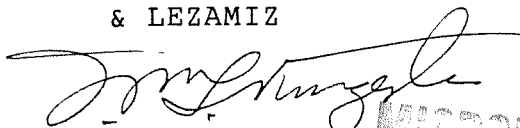
Gentlemen:

I am enclosing a copy of the Stipulation of Facts and Memorandum Opinion entered by the District Court in Gooding County, of which Buckeye Land Company was a party. This case involved Weatherby Springs, a tributary to Billingsly Creek.

Buckeye Land Company's application for permit, application number 36-7740, makes reference to the fact that it is to be considered subject to prior rights. Jones and Sandy Livestock merely wish that the Department be made aware of the Stipulation of Facts and Memorandum Opinion which are enclosed and use this information in determining Buckeye Farms, Inc.'s rights under permit number 36-7740. If this can be taken care of without any appearance on the part of Jones and Sandy Livestock then we do not wish to protest or appear. On the other hand, if it is necessary that something further be done, we would appreciate your letting us know so that we may appear or do whatever is required of us.

Very truly yours,

HEPWORTH, NUNGESTER, FELTON
& LEZAMIZ



Wm. L. Nungester

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WLN:cj

Enclosures

AUG 01 1988

December 4, 1987

Mr. Loren Holms
Idaho Dept. of Water Resources
2148 Fourth Av. E.
Twin Falls, Id. 83301

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DEPT. OF WATER RESOURCES
TWIN FALLS OFFICE

Dear Sir:

re Buckeye Farms, Inc.

36-8335

36-7741

36-7742

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 "aesthetic 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 S. Watkins

Rt. 1 Box 412

Agerman, Id. 83332

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Hagerman Valley Citizens Alert Inc.

Box 32

Hagerman, Idaho 83332

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DEPT. of Resources
Region Office

December 3, 1987

Department of Water Resources
2148 Fourth Avenue East
Twin Falls, ID 83301

Re: Application #36-7741
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.
P.O. Box 32
Hagerman, ID 83332

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AUG 01 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 18, 1987

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

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

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AUG 01 1988

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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AUG 01 1988



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE 734-9520

DIVISION OF ENVIRONMENT
P. O. Box 1626
Twin Falls, ID 83303-1626

November 10, 1987

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NOV 12 1987

Department of Water Resources
Southern Region Office

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 propagation 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 propagation 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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Michael J. McMasters
Source Control Field Officer

AUG 01 1988

MJM/ta

EQUAL OPPORTUNITY EMPLOYER



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

R. W. Stevens
Rt. 1, Box 410
Hagerman, ID 83332

Re: 36-7740, 36-7741

Dear Mr. Stevens:

In 1977, the Department received protests from you against applications 36-7740 and 36-7741 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

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AUG 01 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

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

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AUG 01 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

MICROFILMED

AUG 01 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

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:

RECEIVED

AUG 01 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 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

MICROFILMED

AUG 01 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

RECEIVED

AUG 01 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

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:

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AUG 01 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

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:

aff

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AUG 01 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:

✓ aff

RECEIVED

AUG 01 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 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

AUG 01 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:

36-7741

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

SOURCE: Riley Creek trib. to Snake River

Diversion Pt: SW1/4NE1/4, Sec. 1, T8S, R13E, Gooding County; 3 miles South of Hagerman.

Use: Fish Propagation	(24.0 CFS)
Recreation	(24.0 CFS)
Aesthetics	(24.0 CFS)
Fish & Wildlife Habitat	(24.0 CFS)

Total Quantity to be Appropriated: 24.0 cfs

Original Filing Date: August 1, 1977
Date Amended: September 24, 1987

In: NE1/4, N1/2SE1/4, SE1/4SE1/4, Sec. 33; SE1/4NW1/4, N1/2SW1/4, SW1/4SW1/4, N1/2SE1/4, Sec. 34, 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 7, 1987~~

12/14/87

R. Keith Higginson, Director

Published 11/25 & 12/2/87

MICROFILMED

AUG 01 1988

Gooding Co. Leader

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:

36-7741

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

SOURCE: Riley Creek trib. to Snake River

Diversion Pt: SW1/4NE1/4, Sec. 1, T8S, R13E, Gooding County; 3 miles South of Hagerman.

Use: Fish Propagation	(24.0 CFS)
Recreation	(24.0 CFS)
Aesthetics	(24.0 CFS)
Fish & Wildlife Habitat	(24.0 CFS)

Total Quantity to be Appropriated: 24.0 cfs

Original Filing Date: August 1, 1977
Date Amended: September 24, 1987

In: NE1/4, N1/2SE1/4, SE1/4SE1/4, Sec. 33; SE1/4NW1/4, N1/2SW1/4, SW1/4SW1/4, N1/2SE1/4, Sec. 34, 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 7, 1987

R. Keith Higginson, Director

19 26
Published 11/15 & 11/22/87

MICROFILMED

AUG 01 1988

Statewide

*Correction called
11/12/87, 3:30 pm
Times News - Karen*

**NOTICE OF
APPLICATION FOR
WATER PERMIT**

Amended

The following applica-
tion (s) have been filed
to appropriate the public
waters of the State of
Idaho:

36-7741

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

SOURCE: Riley Creek
Trib. to Snake River
Diversion Pt: SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 1, T8S, R13E,
Gooding County; 3 miles
South of Hagerman.

Use: Fish Propaga-
tion (24.0CFS)
Recreation 24.0 CFS)
Aesthetics (24.0
C F S)

Fish and Wildlife
Habitat (24.0 CFS)

Total Quantitiy to be Ap-
propriated: 24.0 cfs

Original Filing Date:
August 1, 1977

Date Amended:
September 24, 1987

IN: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33;
SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 34, T7S, R13E.

The permit (s) will be
subject to all prior water
rights. Protest 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

PUBLISH: Thursday,
November 19 and 26,
1987.

*Times
News*

**NOTICE OF
AMENDED APPLICATION
FOR WATER PERMIT**

Notice is hereby given that the fol-
lowing application for permit to appro-
priate public waters of the State of
Idaho has been amended as follows:

36-7741

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

Source: Riley Creek trib. to Snake
River

Diversion Pt: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1,
T8S, R13E, Gooding County; 3
miles South of Hagerman.

Use: Fish Propagation (24.0 CFS)
Recreation (24.0 CFS)
Aesthetics (24.0 CFS)
Fish & Wildlife Habitat
(24.0 CFS)

Total Quantity to be appropriated:
24.0 cfs

Original Filing Date: August 1,
1977

Date Amended: September 24, 1987

In: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 33; SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 34, 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

6984

Idaho Statesman

*OK
MB
11/20/87*

MICROFILMED

AUG 01 1988

Gooding Legal

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:

36-7741

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

Source: Riley Creek trib. to Snake River
Diversion Pt: SW1/4NE1/4, Sec. 1, T8S,
R13E, Gooding County; 3 miles South of
Hagerman.

Use: Fish Propagation (24.0 CFS)
Recreation (24.0 CFS)
Aesthetics (24.0 CFS)
Fish & Wildlife Habitat (24.0 CFS)

Total Quantity to be Appropriated: 24.0
cfs

Original Filing Date: August 1, 1977

Date Amended: September 24, 1987

In: NE1/4, N1/2SE1/4, SE1/4SE1/4, Sec.

33; SE1/4NW1/4, N1/2SW1/4,
SW1/4SW1/4, N1/2SE1/4, Sec. 34, 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
372366 - G11-18-2tc

OK
MB
11/9/87

MICROFILMED

AUG 01 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 S and _____ miles E/W _____
of Hagerman, Idaho (City or landmark).☐

Other (describe) _____

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 36-7741 - 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) 1. 1.

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

(4) JS 8-7-77

In form for advertising

1. Financial Statement
2. Sketch of Ponds
3. Proof of Ownership

(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) JS 8/30/77

Affidavit of Publication received(date) 8/29/77

(12) JS 8/10/77

Final date for protests 9/6/77
Protests received: yes ☒ no _____

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

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 _____ By _____ Date _____

Copy to Boise 9-8-77 JS

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

MICROFILMED

AUG 01 1988

2-23-78

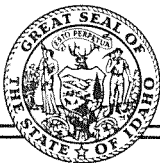
Twin Falls, Id.

I hereby withdraw my
patent & application number
36-7741.

John B. L. Mague

MICROFILMED

AUG 01 1988



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

February 23, 1978

REGION 4
868 EAST MAIN - P. O. BOX 428
JEROME, IDAHO 83338

STATEMENT OF THE IDAHO DEPARTMENT OF FISH AND GAME

Re: Protest against approval of application for
permit no. 36-7741 Riley Creek.

The Idaho Department of Fish and Game protests the granting of application no. 36-7741 for a water diversion on Riley Creek based upon the following considerations:

A reduction of ~~24 c.f.s.~~ flow over Riley Creek Falls combined with other water appropriations already approved could have an extremely detrimental impact on aquatic habitat in Riley Creek below the falls. Destroying stream integrity by diminishing velocity and flow would cause stagnation and possible siltation from Snake River water reducing fish food and spawning areas and eventually eliminating the present trout fishery. The loss of valuable waterfowl and shorebird habitat could also result.

2-23-78

*Reviewed by applicant council and
agreed to allow this to be entered
into the file.*

MICROFILMED

AUG 01 1988

EQUAL OPPORTUNITY EMPLOYER

36-7741 - Buckeye Land Company

Department of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, Idaho

Thursday, February 23, 1978, 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Arthur M. Nunnally Jr	Rt 1 Box 145, Hagerman, ID	Self + F + G
John R. Lemoyne	Rt 1, Box 148 "	self
Peggy Lemoyne	"	
Dave Bruhn	Rt 1, Box 256, Hagerman	U.S. Fish & Wildlife Service
Mark E. Blaker	Rt 1 Hagerman	Mark E. Blaker
Randy Butler	Rt 1 Hagerman, Idaho	self
Charles C. Jones	Rt 1 Hagerman Idaho	self
Robert J. Bell	816 16th ave. East, Jerome, Id.	Idaho Dept. F & G.
J. E. Webb	868 East main	Ida. Fish & Game

MICROFILMED

AUG 01 1988

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

Name and
Address
of Sender

Indicate type of mail:
☐ 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	REG. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	Donnie Mc Fadden (all files) Hagerman	.24	.60					
2	Paul E. Watkins (36-7739)	.13	"					
3	R. St. Stevens (36-7739, 40 & 41) ✓	"	"					
4	Edward C. Shubel (36-7739)	"	"					
5	Mr. & Mrs. D. L. Smith (36-7739, 40 & 42) Bliss	"	"					
6	William Stolt (34 & 41) (36-7739, 41 & 42) ✓ Jerome	"	"					
7	Nate Boyer (36-7739) Hagerman	"	"					
8	Richard Cook (36-7739) "	"	"					
9	Mike J. Jensen, 1000 Spr. Ln. Jensen (36-7740 & 42) Budd	"	"					
10	A. Brent Martens for Jones & Sandy (36-7740) "	"	"					
11	John R. LeMayne (36-7741) ✓ Hagerman	"	"					
12								
13								
14								
15								
16								
17								
18								
19								
20								

TOTAL NO. OF PIECES LISTED BY SENDER 11 TOTAL NO. OF PIECES RECD AT P.O. POSTMASTER, PER Name of receiving city, county, state, zip code

PS Form 3877, Dec. 1973 APPLICATION FOR REGISTERED, REPOSTED C.O.D. AND CERTIFIED MAIL Declaration of value is required on international registered mail. * U. S. GOVERNMENT PRINTING OFFICE: 1974-0-223-725

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

STATE OF IDAHO

NOTICE OF CONFERENCE AND/OR
HEARING

The Department has set the matter of protest for conference and/or hearing for Thursday, February 23, 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.

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.

Michael L. Steele
Southern Region Supervisor

AUG 01 1988

December 8, 1977

Mr. Mike Pennen
Farm Production Manager
Thousand Springs Trout Farm
Box 232
Buhl, ID 83316

Re: Buckeye Land Co. Application No. 36-7741

Dear Mr. Pennen:

Enclosed please find a copy of the above referenced application which you requested. The charge for this copy is \$1.00, which you may send to this office at your earliest convenience.

If we can be of further assistance, please feel free to contact this office.

Sincerely,

Sheryl Munsee
Secretary

MICROFILMED

AUG 01 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.

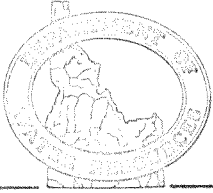
Sincerely,

Sheryl Munsee
Secretary

Enclosures

MICROFILMED

AUG 01 1988



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3570

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,

Michael L. Steele
Southern Region Supervisor

MLS:sm

Enclosures

MICROFILMED

AUG 01 1988

HAGERMAN REALTY

JOHN R. LEMOYNE
BROKER • APPRAISER

"Service is Our Business"

PHONE 208/837-4463
HOME 208/837-4887

HAGERMAN, IDAHO 83332

SEP 6 1977

September 2, 1977

Department of Water Resources
Southern District Office

Idaho Department of Water Resources
1041 Blue Lakes Blvd., North
Twin Falls, Idaho 83301

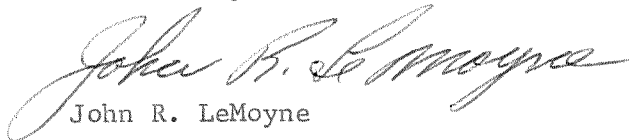
Dear Sir:

In regards to application number 36-7741 by the Buckeye Land Co. for 24 c.f.s. from Riley Creek, I would like to protest if the permit would establish a right with an earlier priority for summer use than the date of the application. It is my understanding that is their intention.

I had Mr. Brockway measure the water presently being taken from Riley Creek on August 29, 1977. He measured 13.5 c.f.s. The ditch was not quite full but lacked only two or three inches of being full. My point is that at no time has 24 c.f.s. ever been put through the Hunt Ditch including all the rights not just the Buckeye's rights.

If this is a new filing for the amount of water over what they have in the past established beneficial use for, I will have no objections, so long as it has a priority as of 8-1-77.

Yours truly,


John R. LeMoyne

MISS FILMED

AUG 01 1988



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 4
868 EAST MAIN - P. O. BOX 428
JEROME, IDAHO 83338

September 2, 1977

RECEIVED

SEP 8 1977

Department of Water Resources
Southern District Office

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 application #36-7741 for appropriation of 24 c.f.s. of Riley Creek water for fish rearing purposes by the Buckeye Land Company.

It is the opinion of the Department, use of this amount of water on a year-round basis would be detrimental to the fisheries and wildlife resource on Riley Creek.

Sincerely,

IDAHO DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

A handwritten signature in cursive script that reads "William E. Webb".

William E. Webb
Region 4 Supervisor

WEW:ar

cc: Fisheries Division
District Conservation Officer
Environmental Services

MICROFILMED

AUG 01 1988

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SEP 6 1977

R BAR S RANCH

R. W. STEVENS

ROUTE ONE

208/837-4954

HAGERMAN, IDAHO 83332

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S

Department of Water Resources
Southern District Office

Sept. 3, 1977

RE: application #36-7741

Department of Water Resources
Southern District

Merrellen:

I wish to protest application #36-7741 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 for stock water. Furthermore I ask that the evidence be produced at the hearing for all testimony submitted and generalities not be taken into consideration. In other words, as in any hearing, evidentiary procedure should be enforced.

Under the Idaho Code this application covers a new allotment of water and should be treated as such.

Would you please send me a copy of the application and bill me for the same.

Very truly yours,

R. W. Stevens

NOT RECORDED

AUG 01 1988



Hagerman Idaho
83332

Aug 31, 1977

Idaho Dept of Water Resources

1041 Blue Lakes Blvd.

Twin Falls, Idaho

83301

Dear Sirs:

I am protesting the applications
for water permits by The Buckeye Land
Co., Hagerman, Idaho, listed below:

# 36-7739	12 CFS	BILLINGSLEY CREEK
# 36-7740	10 CFS	WEATHER BY SPRING
# 36-7741 ✓	24 CFS	RILEY CREEK
# 36-7742	20 CFS	BILLINGSLEY CREEK

The grounds for my protest are that
this water has already been filed upon.

Sincerely,

Dale Boyer

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AUG 01 1988

DB/EB

INTER-DEPARTMENT MEMO

DATE 8/26/77

FROM Allen Merritt

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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AUG 01 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

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AUG 01 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

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,

Michael L. Steele
Southern Region Supervisor

MLS/dj

MICROFILMED

AUG 01 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. 36-7741

for a permit to appropriate 24 cubic feet per second acre feet per annum
XXXXXXXXXXXXXXXXXXXX

of water from Riley Creek

by means of Existing ditches

within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, Twp. 8S, Rge. 13E, B.M. Gooding County

to be used from Jan. 1 to Dec. 31 for fish propagation

for XXX

within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, 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

AUG 01 1988

NOTICE OF APPLICATION
FOR WATER PERMIT

OK 8/17/77
Notice is hereby given that Buckeye Land Co. Hagerman, Idaho 83332 has on 8/1/77 submitted Application No. 36-7741 for a permit to appropriate 24 cubic feet per second of water from Riley Creek by means of Existing ditches within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1, Twp. 8S, Rge. 13E, B.M. Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$, 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.

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

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AUG 01 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 regarding the legal description of the place of use. Mr. McFadden said that the area in which the ponds are proposed to be constructed is located directly south of the ranch and the ponds will be no more than $\frac{1}{4}$ mile in length and 100' in width. The area south of the ranch is described as the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 34 & SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 33, T. 7S., R. 13E., B.M.

AUG 01 1978

Allen

SIGNATURE