STARTING LEFT SIDE OF FILE

Form 217
11/91

RECEIVED
JUL 01 1993
Department of Water Resources

RECEIVED
JUN 29 1993
Department of Water Resources
Southern Region Office

OFFICE USE ONLY
Amt. of Fee $ 250
Date 6/29/93
Receipt No. 5015925
Receipt by DJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 36-07740 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: WEATHERBY SPRINGS

   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 6.50 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: $ 250.00 (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.

MICROFILMED
JUL 07 1993

6/28/93
Date

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

JOHN A. ROSHOLT
ATTORNEY-IN-FACT

Form 202
6/85

Ident. No. 36-7740

RECEIVED
SEP 24 1987
Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

ASSIGNEE:

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

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

2. Source of water supply Weatherby Springs which is a tributary of Billingsley Creek

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

Sec. 30 Township 7 S. Range 14 E. B.M. Gooding County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 6.5 cfs (cfs ~~or acre-feet per annum~~) for fish propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 6.5 cfs (cfs ~~or acre-feet per annum~~) for recreation purposes from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 6.5 cfs (cfs ~~or acre-feet per annum~~) for aesthetics purposes from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 6.5 cfs (cfs ~~or acre-feet per annum~~) for fish & wildlife habitat purposes from Jan. 1 to Dec. 31 (both dates inclusive)

5. Total quantity to be appropriated is (a) 6.5 cubic feet per second and/or (b) 4,745 acre feet per annum

6. Proposed diverting works:

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

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

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

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

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

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AUG 01 1988

8. Description of proposed use(s) (*If irrigation only, go to item 9*):

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

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

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

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

9. Description of place of use:

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

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

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

Total number of acres to be irrigated _____

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

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

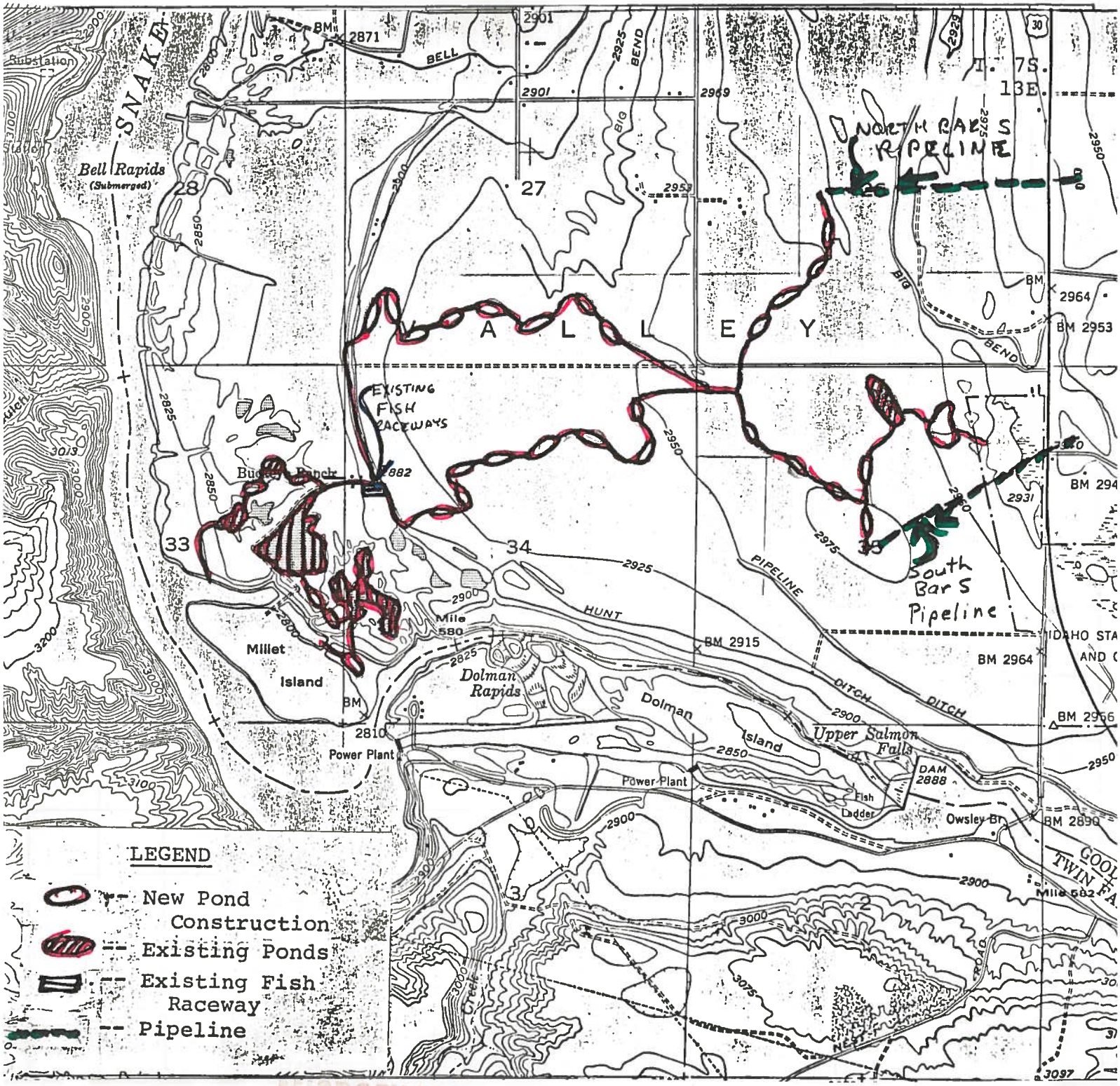
b. Who owns the land to be irrigated or place of use? Assignee

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

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AUG 01 1988

12. Remarks: This application was filed and protested in 1977. Hearing was held in February 1978 and hearing transcripts were lost. IDWR has advised that they must republish notice & 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 any water from Weatherby Springs that presently gets to the ranch through Bar-S Ditch, recognizing all other prior rights. The water is presently decreed and diverted and used at Buckeye Ranch pursuant to the New International Mortgage Bank v. Idaho Power Company Decree. Limited to 325" per Stipulation in Gooding County Civil Case No. 16676 dated Jan. 22, 1979.

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



Scale: 2 inches equal 1 mile.

MICROFILMED

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.

John A. Burke Secretary

(Applicant)

BUCKEYE FARMS, INC.

Proposed Priority 9/24/87

Received by M. Baldwin Date 10/8/87 (10/24/87) Time 4 pm Preli..., check by ADM

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

Publication prepared by M. Baldwin Date 10/23/87 Published in Gooding Co. Leader 11-25 & 12-2-87

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. 36-7741, 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

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

R. Keith Higginson
Director

MICROFILMED
AUG 01 1988

ATTACHMENT TO CONDITIONS OF APPROVAL
For Permit No. 36-7740

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

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST OF BRUCE H. AND DENNY TAYLOR AGAINST GRANTING OF APPLICATION FOR PERMIT NO. 36-7740 IN THE NAME OF BUCKEYE FARMS, INC.	ORDER DISMISSING PROTEST

FINDINGS OF FACT

On November 25, 1987 and December 2, 1987, the Department caused to be advertised in the Gooding County Leader, a "Notice of Amended Application for Water Permit" which allowed protest against the issuance of this permit until December 14, 1987. On December 11, 1987, the Southern Region of the Department of Water Resources received a protest against the issuance of this permit from Bruce H. and Denny Taylor.

On March 1, 1988, the Department set the matter for hearing. The protestants, Bruce H. and Denny Taylor failed to appear at the hearing.

On April 28, 1988, the Department mailed an Order to Show Cause why the protest should not be dismissed for failure to appear. The Department received no response to the order from the Taylors.

ORDER

IT IS, THEREFORE HEREBY ORDERED that the protest of Bruce H. and Denny Taylor be DISMISSED.

Dated this 8TH day of July, 1988.

R. KEITH HIGGINSON
Director

MICROFILMED
AUG 01 1988

RECEIVED
SEP 29 1987
Department of Water Resources

RECEIVED
SEP 24 1987
Department of Water Resources
Southern Region Office

ASSIGNMENT OF WATER RIGHT

BUCKEYE LAND COMPANY, a partnership, hereby assigns all of its right, title and interest in and to Application for Idaho Water Permit No. 36-7740 to BUCKEYE FARMS, INC., P.O. Box 2199, Sun Valley ID 83353.

DATED This 21ST day of September, 1987.

By: Donnie McFadden
A General Partner
Buckeye Land Company

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

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

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

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

8468m

MICROFILMED
AUG 01 1988

AFFIDAVIT of PUBLICATION

RECEIVED

DEC 4 1987

Department of Water Resources
Southern Region Office

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

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

S L H. Fuller

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

Sheila Schwendiman
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 36
Number of Insertions 2

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

COPY OF NOTICE
(Paste Here)

Amended Application Buckeye Farms
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

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

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

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

36-7740
Buckeye Farms, Inc.
c/o John A. Burke, Secretary
P.O. Box 2199
Sun Valley, ID 83353
SOURCE: Weatherby Springs trib. to Billingsley Creek
Diversion Pt: NE1/4SW1/4, Sec. 30, T7S, R14E, Gooding County; 3 miles South of Hagerman.

USE:	
Fish Propagation	(6.5 CFS)
Recreation	(6.5 CFS)
Aesthetics	(6.5 CFS)
Fish & Wildlife Habitat	(6.5 CFS)

Total Quantity to be Appropriated (6.5 cfs)
Original Filing Date: August 1, 1977
Date Amended: September 24, 1987
In: NE1/4SW1/4, S1/2SW1/4, Sec. 26; S1/2SW1/4, S1/2SE1/4, Sec. 27; S1/2NE1/4, N1/2SE1/4, SE1/4SE1/4, Sec. 33; N1/2NE1/4, SW1/4NE1/4, S1/2NW1/4, W1/2SW1/4, Sec. 34; N1/2NE1/4, SW1/4NE1/4, W1/2NW1/4, SE1/4NW1/4, Sec. 35, T7S, R13E.

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

-s-R. Keith Higginson, Director

372365 - G11-25-2tc

OK MB 12/8/87

RETURNED

No. 1008

AUG 01 1988

Identification No. _____

Application No. 36-7740

RECEIVED
AUG 2 1977
Department of Water Resources
Southern District Office

Void - see amended application.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Buckeye Land Company, a partnership

   post office address Route 1, Hagerman, Idaho 83332

2. Source of water supply Weatherby Springs which is a tributary of Billingsley Creek

3. a. Location of point of diversion is NE ¼ of SW ¼ of Section 30 Township 7 S. Range 14 E. B.M. Gooding County; additional points of diversion if any:

   b. If water is not consumed, it will be discharged into Snake River at a point in NE ¼ of ¼ of Section 33 Township 7 S. Range 13 E. B.M. Gooding County

4. Water will be used for the following purposes:

   Amount 10 c/f/s (cfs or acre feet per annum) for fish propagation purpose from Jan. 1 to Dec. 31 (both dates inclusive)

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

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

5. Total quantity to be appropriated:

   a. 10 cubic feet per second and/or

   b. 7,239.77 acre feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. existing diversion ditches and rights as shown on attached 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 _____ (Mo. Day) to _____ (Mo. Day) inclusive.

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

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

   b. Estimated construction cost is $ 10,000

*As per phone conversation 8/8/77 ADM

8. Description of proposed uses:

   a. If water is not for irrigation:

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

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

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

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

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

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AUG 01 1988

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

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

Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes as described above.

Same 10 is presently decreed for irrigation and stockwater purposes.

9. a. Who owns the property at the point of diversion Applicant as owner in Curran 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 Applicant is owner of a proportionate share of Curran ditch right.

10. Remarks Applicant acknowledges prior rights. Purpose of this application is to seek to perfect additional use of water for non-consumptive fish propagation use.

3/10/78

"Applicant acknowledges the protestant Thousand Springs Trout Company's right to hereafter contest beneficial uses through the Bar S Ditch by applicant in the non-irrigation season."

"Applicant acknowledges that protestant Jones-Sandy Livestock may hereafter contest beneficial uses of water from Weatherby Springs diverted through the Bar S Ditch for use on the Bar S Ranch or elsewhere by the Buckeye Land Company."

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AUG 01 1988

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

(SEE ATTACHED MAP)

Scale: 2 inches equal 1 mile

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

MICROFILMED

AUG 01 1988

BUCKEYE LAND COMPANY, a partnership

By: Donnie McFadden
(Applicant) A General Partner

Received by ls Date 8/1/77 Time 10:30 #115.00

Preliminary check by ADM Fee $ 92-179

Receipted by Jm Date 8/4/77 #8692

Publication prepared by DJ Date 8/17/77

Published in Gooding City Leader

Publication dates 8/25 & 9/1/77

Publication approved Jm Date 9/8/77

Priority reduced to _____ Reason _____

Protests filed by: Jones & Sealy (partnership)

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by mls

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

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

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

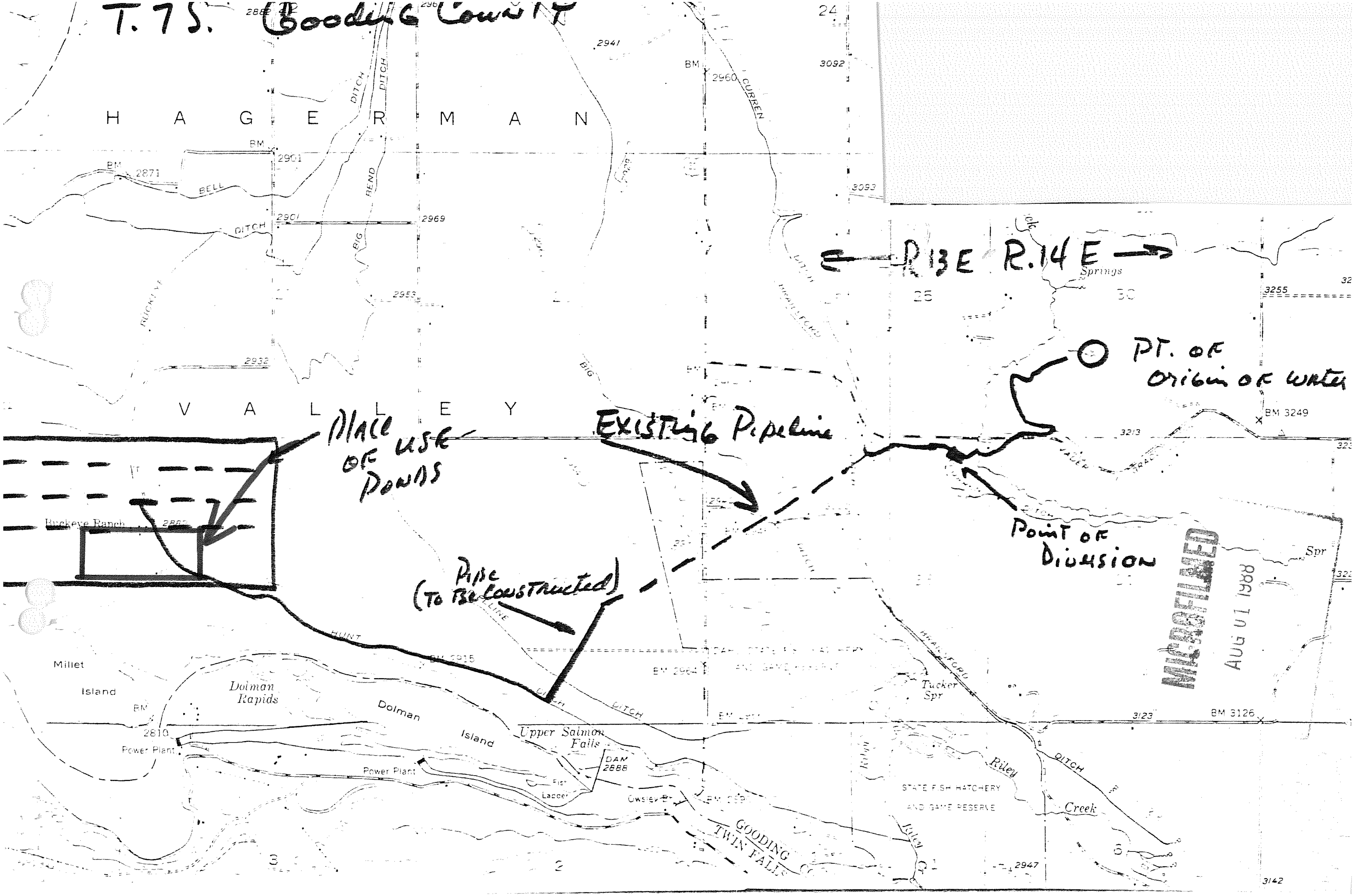
   c. Other: _____

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

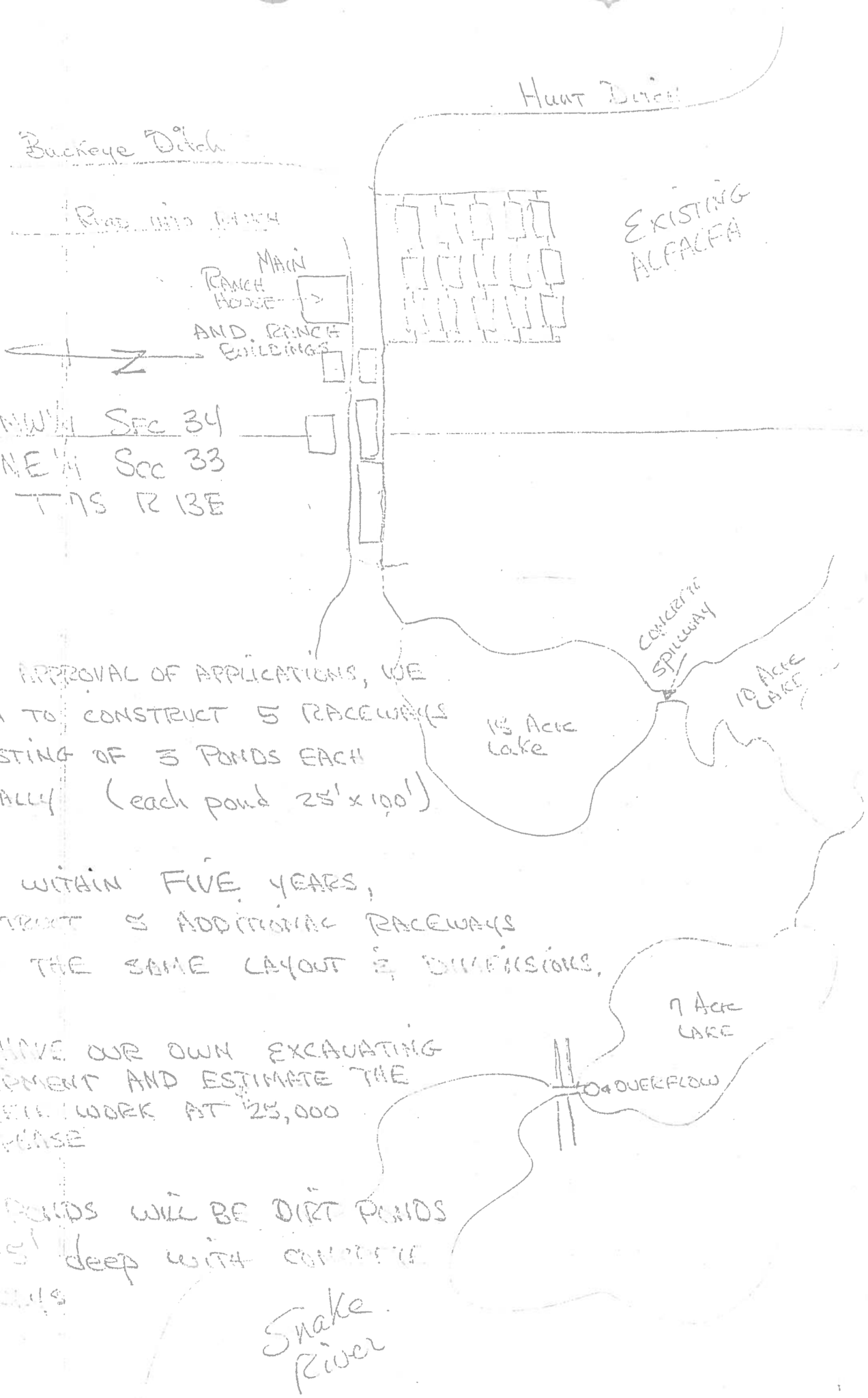
Witness my hand this _____ day of _____ 19____.

_____
Director

MICROFILMED
AUG 01 1988



T. 7 S. Gooding County
HAGERMAN
VALLEY
R 13 E R. 14 E
PT. OF ORIGIN OF WATER
EXISTING PIPELINE
PLACE OF USE OF PONDS
PIPE (TO BE CONSTRUCTED)
POINT OF DIVERSION
Buckeye Ranch
Millet Island
Dolman Rapids
Dolman Island
Upper Salmon Falls
Power Plant
STATE FISH HATCHERY AND GAME RESERVE
Tucker Spr
Riley Creek
Springs
GOODING
TWIN FALLS
MICROFILMED
AUG 01 1988



UPON APPROVAL OF APPLICATIONS, WE PLAN TO CONSTRUCT 5 RACEWAYS CONSISTING OF 3 PONDS EACH INITIALLY (each pond 25' x 100')

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

WE HAVE OUR OWN EXCAVATING EQUIPMENT AND ESTIMATE THE CONCRETE WORK AT $25,000 FOR PHASE

THE PONDS WILL BE DIRT PONDS [illegible] deep with concrete [illegible]

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AUG 01 1988

INTER-DEPARTMENT MEMO

FROM Allen Merritt

DATE 8/26/77

TO File

SUBJECT Buckeye Land Co. Financial Statement

Today Mike Steele and myself reviewed the financial statements of Buckeye Land Co. The applicant showed sufficient financial assets to complete all proposed works with regards to applications # 36-7739, #36-7740, #36-7741 & # 36-7742

MICROFILMED
AUG 01 1988

Allen
SIGNATURE

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:sa
enclosures

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

MICROFILMED
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 _____

MICROFILMED
AUG 01 1988

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

Together with the following water rights;

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

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

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

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

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

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

VIEJO LAND COMPANY, a general partnership

By Anthony R. Moiso

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

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

MICROFILMED
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.

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

Sheila K. Diller
Notary Public

MICROFILMED
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 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

ocation of Above Described Property _____
House No. Street

AIL DEED TO:

MAIL TAX NOTICE TO:
Name
Address
City & State

MICROFILMED
AUG 01 1988

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

Together with the following water rights;

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

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

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

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

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

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

VIEJO MANAGEMENT COMPANY

By Anthony R. Moiso

By James E. West

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

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

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AUG 01 1988

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

WITNESS my hand and official seal.

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

Sheila K. Diller
Notary Public

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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

STATE OF IDAHO)
: ss
County of Gooding)

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

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

Notary Public in and for said County and State

MICROFILMED
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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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

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AUG 01 1988

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

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

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

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

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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, } SS.
County of Gooding }

Kim R. Crompton, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 25 day of August 1977, and the date of the last publication was on the 1 day of September 1977.

Kim R. Crompton

Subscribed and sworn to before me this 1 day of September, 1977.
(SEAL)

Carmen Ward
NOTARY PUBLIC

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. 36-7740 for a permit to appropriate 10 cubic feet per second of water from Weatherby Springs by means of existing diversion ditches within the NE¼SW¼, Sec. 30, Twp. 7S, Rge. 14E, B.M. Gooding County to be used from Jan. 1 to Dec. 31 for fish Propagation within the SW¼-NW¼, Sec. 34; SE¼NE¼, Sec. 33, Twp. 7S, Rge. 13E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the gathering 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 12, 1977.

/s/ C. Stephen Allred
Director

Pub'; 8-25; 9-1

ok/bm
9/8/77

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	36	36
Number of Insertions	2	2
Lines tabular at 315c		
36 Lines straight at 21c	36	7.56
36 Subsequent lines at 15c	36	5.40
TOTAL COST		12.96

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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9/26/5
AUG 01 1988
No. 1345

STARTING RIGHT SIDE OF FILE

BEEMAN & ASSOCIATES, P.C.

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

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

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

RECEIVED
MAR 13 2003
Department of Water Resources

March 12, 2003

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

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

Dear Glen:

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

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

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

Sincerely,

BEEMAN & ASSOCIATES, P.C.

Josephine P. Beeman

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 15, 2002

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

Gentlemen:

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

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

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

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

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

of pages = 3

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 36-07741

Date of Priority: August 01,1977

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

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

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

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

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

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 13E 34							X		X								

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

_____
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 36-07741

FOR DEPARTMENT USE ONLY

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

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

CONDITIONS OF APPROVAL

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

Witness my hand this _____ day of _____, 2002.

_____

KARL J. DREHER
Director

Idaho Department of Water Resources Receipt

Receipt ID C061971

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

Payment Type Check **Check Number** 04018

Payer BUCKEYE FARMS INC

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

amendment of 36-7741 KW 5/15/02

Fee Detail

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

Signature Line (Dept. Representative)

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 1, 2002

BUCKEYE FARMS INC
18335 US HWY 30
HAGERMAN ID 83332

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

Dear Permit Holder(s):

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

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

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

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

KW:klt

cc: Western Legends LC
PO Box 737
Hagerman ID 83330

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 25, 2002

BUCKEYE FARMS INC
18335 US HWY 30
HAGERMAN ID 83332

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

Dear Permit Holder(s):

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

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

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

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

cc: Western Legends LC
PO Box 737
Hagerman ID 83330

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 21, 2001

BUCKEYE FARMS INC
18335 U S HWY 30
HAGERMAN ID 83332

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

Dear Permit Holders:

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

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

✓ **Places of Use**

✓ **Other – Nature of Use**

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

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

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

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

Enclosures

Cc: Western Legends LC
PO Box 737
Hagerman ID 83330

with Enclosures

LICENSE REVIEW CHECKLIST

Permit No. 36-7740 Date: 2-5-02 Reviewer: Kay Walker

Change/OK

Name/Address add phone

Source fix trib.
Point of Diversion: ok

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use add

Change (P41/P49) (Add (P41/P44)) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 36-00015, 36-8728
File reviewed____ Profile reports printed ✓

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 10.0 cfs
Fee Limit 7.0 cfs
Measured _____ cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 6.5

Season of Use per new Standards

Water Uses ok Change (P46)

Irrigation	____ cfs	____ af
Stockwater	____ cfs	____ af
Domestic	____ cfs	____ af
Fish	6.5 cfs	____ af
____	____ cfs	____ af
Total	____ cfs	____ af

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

Volume Determination
6.5 cfs x 1.9835 x 365 days = 4705.8 af (vs) _____ acres x _____ (FHR) = _____ af
≈4710.

Remarks: 042

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

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

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

SRBA Claim? Not reqd

Adjust memo ____

Amend Letters _____ **P87, S06** **Second Amendment Notice** P44 **S06**

JAN 23 1979
Law
Clerk
Deputy

RECEIVED
APR 21 1989
Department of Water Resources
Southern Region Office

Paper No. .....
Case No. .....
Filed ..... Jan. 22 19 79
..... Clerk
..... Deputy

HEPWORTH, NUNGESTER & FELTON
Bank & Trust Building
Post Office Box 389
Twin Falls, Idaho 83301
Tel. No. 208-734-7510
Attorneys for Plaintiffs

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

* * * * * * * * *

JOHN W. JONES, JR., and DELORIS D. JONES, husband and wife; and W. A. SANDY and FLORENCE M. SANDY, husband and wife, dba, JONES AND SANDY LIVESTOCK,

Plaintiffs,

vs.

RESERVOIR LAND COMPANY, INC., an Idaho corporation; KNAKE EYE LAND & CATTLE CO. and VIEJO MANAGEMENT CO.; dba BUCKEYE LAND CO.; BUCKEYE LAND CO.; CLIFFORD PETERSON; OMER E. LORANGER and BEVERLY B. LORANGER, husband and wife; WALLACE W. BATES and LOLEITA V. BATES, husband and wife; RICHARD P. SAUER and LUCILLE B. SAUER, husband and wife; SHELDON G. CARLETON and BARBARA S. CARLETON, husband and wife; EDNA M. (BELL) REA; STANELY J. HOSKOVEC and BETTY HOSKOVEC, husband and wife; ALFRED H. COLE and PHYLLIS A. COLE, husband and wife; ELLIS & WEIR, INC., a domestic corporation; HAROLD V. WOLINE and LOIS C. WOLINE, husband and wife; FRED STURTEVANT and JOYCE E. STURTEVANT, husband and wife; and DOES I THROUGH V,

Defendants.

Case No. 16676

STIPULATION OF FACTS

* * * * * * * * *

LAW OFFICES
HEPWORTH
NUNGESTER
And
FELTON
Twin Falls

COMES NOW the parties through their attorneys of record and stipulate as follows:

WHEREAS, the Bar S ditch carrying water from Weatherby Springs across Billingsly Creek consists of an open ditch and a series of metal pipes;

WHEREAS, on or about 1960 or 1961, a steel pipe with an outside diameter of 24 inches was welded near the mouth or inlet portion of the pipe or siphon crossing Billingsly Creek;

WHEREAS, at all times since 1960 or 1961, to the present date, this pipe or siphon has been restricted at its inlet by a section or sections of metal pipe having an outside diameter of 24 inches;

WHEREAS, the maximum flow discharge for said original pipe or siphon at all times since 1960 or 1961 has been 325 miners inches of water; and, =6.5 cfs

WHEREAS four other reputed or alleged diverters of water from the Bar S ditch downstream from said crossing at Billingsly Creek have been discovered, who have not been named in the above-entitled proceeding and who, therefore, cannot be bound by any judgment, decree, adjudication or stipulation entered in the above-entitled proceeding;

All parties, by and through their attorneys of record, agree and stipulate:

1. (a) that plaintiffs shall continuously, and on a year round basis, allow 325 miners inches of water from Weatherby Springs to be delivered into the Bar S ditch from the outlet of its fish hatchery operation upon the express condition

LAW OFFICES
HEPWORTH
NUNGESTER
And
FELTON

precedent that defendant Buckeye Land Company enclose on or before January 1, 1980, the existing open Bar S ditch with a suitable enclosed pipeline along the entire reach of said Bar S ditch located on the property presently owned by plaintiffs downstream from plaintiffs fish hatchery operation; or in the alternative,

(b) in the event said open ditch is not enclosed as set out in subparagraph (a) immediately above, that plaintiffs shall continuously allow 325 miners inches of water from Weatherby Springs to be delivered into the Bar S ditch from the outlet of its fish hatchery operation from March 1 until November 1 of each year, and plaintiffs shall continuously allow 200 miners inches of water from Weatherby Springs to be delivered into the Bar S ditch from the outlet of its fish hatchery operation from November 1 until March 1 of each year.

2. that the trial date scheduled for this matter be vacated to allow these individuals to be named so as to provide for a full adjudication of the water rights of all individuals diverting water along said stream;

3. that all other issues of law and fact not stipulated by the parties herein are reserved until the time of trial.

DATED this _____ day of January, 1979.

HEPWORTH, NUNGESTER & FELTON

By _____
John C. Hepworth for Plaintiffs

LAW OFFICES
HEPWORTH
NUNGESTER
And
FELTON

PARRY, ROBERTSON, DALY & LARSON

AND

BENOIT AND ALEXANDER

By _____
Bob Alexander for Defendants Buckeye Land Company and Reservoir Land Company

CHURCH, CHURCH, & SNOW

By _____
For Defendants Ellis & Weir, Inc.

JAMES HOBDEY & VARIN

By _____
For Defendants Clifford Peterson; Omer E. Loranger and Beverly B. Loranger; Wallace W. Bates; Richard P. Sauer and Lucille B. Sauer; Sheldon G. Carleton and Barbara S. Carleton; Edna M. Rea; Stanely J. Hoskovec and Betty Hoskovec; and Alfred H. Cole.

O R D E R

IT IS SO ORDERED.

1-22-79

/s/ Douglas D. Kramer
District Judge

LAW OFFICES
HEPWORTH
NUNGESTER
And
FELTON

DISTRICT COURT
GOODING CO. IDAHO

'79 APR 27 AM 9:00

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

JOHN W. JONES, JR., and DELORIS D. JONES, et al Plaintiffs, vs. RESERVOIR LAND COMPANY, INC., et al, Defendants.	CASE NO. 16676 MEMORANDUM OPINION

The matter before the court is defendants' motion to amend the order of this Court dated January 22, 1979 incorporating a stipulation by all parties concerning their respective water rights in Weatherby Springs. The defendants' contend that their attorneys signed the stipulation under the mistaken impression that it called for 325 miner's inches of water to be delivered through the Billingsley Creek Siphon. In fact, the stipulation states that the water is to be delivered into the Bar S Ditch from the outlet of plaintiffs' fish hatchery operation. Though some comment was made at oral argument and in defendants' brief as to counsels' lack of authority to make the stipulation as worded, there is nothing in the affidavits filed with the Court to support that proposition. If there was a mistake in the formation of the stipulation it was unilateral, not mutual. Typically, a mutual mistake is required to make a contract voidable. Restatement, Contracts § 503. The stipulation explicitly deals with the problem of water loss in the Bar S Ditch. If the defendants place a suitable enclosed pipe line along the ditch by January 1, 1980 they are entitled to 325 miner's inches year round. If not, they are entitled to merely 200 inches from November 1 to March 1 of each year. The stipulation underscores the fact that the parties were well aware of the excessive water loss problem in the Bar S ditch at the time it was signed. It is well recognized in Idaho that only a reasonable loss in transport is allowed to the holder of a water right. Glenn Dale Ranches Inc. v. Shaub 94 Idaho 585, 494 P.2d 1029 (1972). The Court cannot believe that the dispute now before it centers around an amount of water which would constitute a reasonable loss. It must involve water substantiall in excess of that amount. If so, the defendants are not entitled to the water under the Glenn Dale Ranches case. Accordingly, the Court sees no reason to excercise its discretion in favor of the defendants. The motion to alter or amend is denied. There appears no reason to order specific performance of the stipulation at this time.

However, the Court will not hesitate to enforce its order should it be necessary to do so. No attorney's fees will be allowed.

Dated this 24 day of April, 1979.

Douglas D. Kramer
District Judge

2-15-02 KW

Kay,

The limiting case & the Marci Pape memo is in the Gooding County case # 16676.
January 1979 Judge Kramer Presiding.

~~Th~~ This memo is not in the AJ files or Water Right files I will have to get them from Southern.

Dan Mela

AFFIDAVIT of PUBLICATION

State of Idaho, } SS.
County of Gooding }

Kim R. Crompton, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 25 day of August 1977, and the date of the last publication was on the 1 day of September 1977.

Kim R. Crompton

Subscribed and sworn to before me this 1 day of September, 1977.
(SEAL)

Connie Ware
NOTARY PUBLIC

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. 36-7740 for a permit to appropriate 10 cubic feet per second of water from Weatherby Springs by means of existing diversion ditches within the NE¼SW¼, Sec. 30, Twp. 7S, Rge. 14E, B.M. Gooding County to be used from Jan. 1 to Dec. 31 for fish Propagation within the SW¼-NW¼, Sec. 34; SE¼NE¼, Sec. 33, Twp. 7S, Rge. 13E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the gathering 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 12, 1977.

/s/ C. Stephen Allred
Director

Pub'; 8-25; 9-1

ok / km
9/8/77

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	36	36
Number of Insertions	2	2
Lines tabular at 315c		
36 Lines straight at 21c	36	7.56
36 Subsequent lines at 15c	36	5.40
TOTAL COST		12.96

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

2/26 5

MICROFILMED
AUG 01 1988
No. 1345

PD OL per Workflow 2/5/02

Basin	Sequence	Split	Basis	Priority Date	Rate	Owner List	Version Number	Source Table	Application
36	9		Decreed	3/8/1902	0.8	BARTON, MRS R W (Current); BARTON, R W (Current)		wrWaterRight	
36	10		Decreed	3/8/1902	0.4	BARTON, MRS R W (Current); BARTON, R W (Current)		wrWaterRight	
36	11		Decreed	3/8/1902	1.3	BARTON, ELLA (Current); BARTON, W C (Current)		wrWaterRight	
36	11	A	Decreed	3/8/1902	0.8	JENSEN, DARRELL W (Current); JENSEN, DEE ANNA (Current)	1	wrAdjudicationRecommendation	
36	11	A	Decreed	3/8/1902	0.8	JENSEN, DARRELL W (Current); JENSEN, DEE ANNA (Current)		wrWaterRight	
36	11	B	Decreed	3/8/1902	0.5	LORANGER, BEVERLY B (Current); LORANGER, GENE E (Current)	1	wrAdjudicationRecommendation	
36	11	B	Decreed	3/8/1902	0.5	LORANGER, BEVERLY B (Current); LORANGER, GENE E (Current)		wrWaterRight	
36	15		Decreed	3/8/1902	6.5	BUCKEYE FARMS INC (Current)	1	wrAdjudicationRecommendation	
36	15		Decreed	3/8/1902	6.5	BUCKEYE FARMS INC (Current)		wrWaterRight	
36	15			3/8/1902	6.5			xrFromWaterRightList	66354
36	15			3/8/1902	6.5			xrToWaterRightList	66354
36	33	B	Decreed	3/8/1902	0.75	HOSKOVEC, BETTY B (Current)		wrWaterRight	
36	33	C	Decreed	3/8/1902	0.26	ELLIS, CONSTANCE L (Current); ELLIS, LEROY E (Current)	2	wrAdjudicationRecommendation	
36	33	D	Decreed	3/8/1902	0.09	SAUER, ROY E (Current); SAUER, VIVA (Current)	1	wrAdjudicationRecommendation	
36	33	D	Decreed	3/8/1902	0.09	SAUER, ROY E (Current); SAUER, VIVA (Current)	2	wrAdjudicationRecommendation	
36	33	E	Decreed	3/8/1902	0.44	REA, EDNA M (Current)	1	wrAdjudicationRecommendation	
36	33	E	Decreed	3/8/1902	0.75	REA, EDNA M (Current)	2	wrAdjudicationRecommendation	
36	33	F	Decreed	3/8/1902	0.75	GUSTAFSON FAMILY TRUST (Current)	1	wrAdjudicationRecommendation	
36	33	F	Decreed	3/8/1902	0.75	GUSTAFSON FAMILY TRUST (Current)		wrWaterRight	
36	33	G	Decreed	3/8/1902	0.25	STRINGER, GENEVIEVE R (Current); STRINGER, GEORGE M (Current)	1	wrAdjudicationRecommendation	
36	33	L	Decreed	3/8/1902	0.43	HOSKOVEC, BETTY B (Current)	1	wrAdjudicationRecommendation	
36	33	M	Decreed	3/8/1902	0.32	SKAAR, KENT (Current)	1	wrAdjudicationRecommendation	
36	42	A	Decreed	4/4/1910	0.11	BYBEE, GERTRUDE B OWSLEY (Current)	1	wrAdjudicationRecommendation	
36	42	A	Decreed	4/4/1910	0.11	BYBEE, GERTRUDE B OWSLEY (Current)		wrWaterRight	
36	44		Decreed	3/8/1902	0.7	OMOHUNDRO, NEVADA B (Current)	1	wrAdjudicationRecommendation	
36	44		Decreed	3/8/1902	0.7	OMOHUNDRO, NEVADA B (Current)		wrWaterRight	
36	45		Decreed	1888-02-01	0.5	FARMER, J EUGENE (Current); FARMER, MARVEL (Current)		wrWaterRight	
36	61		Decreed	12/12/1901	2.22	HOFFMAN, L W (Current); HOFFMAN, MRS L W (Current)		wrWaterRight	
36	62		Decreed	5/1/1912	0.28	HOFFMAN, L W (Current); HOFFMAN, MRS L W (Current)		wrWaterRight	
36	63		Decreed	11/1/1915	0.8	HOFFMAN, L W (Current); HOFFMAN, MRS L W (Current)		wrWaterRight	
36	68		Decreed	1888-02-01	8.25	JONES JR, JOHN W (Current); JONES, DELORIS D (Current)	1	wrAdjudicationRecommendation	
36	68		Decreed	1888-02-01	10.74	JONES JR, JOHN W (Current); JONES, DELORIS D (Current)	2	wrAdjudicationRecommendation	
36	68		Decreed	1888-02-01	12.5	JONES, DANIEL (Current)		wrWaterRight	
36	69		Decreed	1888-02-01	1	JONES, DANIEL (Current)		wrWaterRight	
36	86	C	Decreed	1888-02-01	0.82	FUELL, JOLENE (Current); FUELL, KEITH L (Current)	1	wrAdjudicationRecommendation	
36	86	C	Decreed	1888-02-01	1.6	FUELL, JOLENE (Current); FUELL, KEITH L (Current)	2	wrAdjudicationRecommendation	
36	86	D	Decreed	1888-02-01	0.06	SMITH, LANDON H (Current); SMITH, MARGUERITTE S (Current)	2	wrAdjudicationRecommendation	
36	86	D	Decreed	1888-02-01	0.06	SMITH, LANDON H (Current); SMITH, MARGUERITTE S (Current)		wrWaterRight	
36	86	E	Decreed	1888-02-01	0.02	KNOTT, NANCY J (Current); KNOTT, STEVEN T (Current)		wrWaterRight	
36	86	F	Decreed	1888-02-01	0.02	HENDRIX, ALLEN E (Current); HENDRIX, FRANCES (Current)		wrWaterRight	
36	86	G	Decreed	1888-02-01	0.11	HURST, KAY L (Current); HURST, RONALD E (Current)	2	wrAdjudicationRecommendation	
36	86	H	Decreed	1888-02-01	0.05	TORGRIMSON, DONALD L (Current); TORGRIMSON, JANICE M (Current)	2	wrAdjudicationRecommendation	
36	86	H	Decreed	1888-02-01	0.05	TORGRIMSON, DONALD L (Current); TORGRIMSON, JANICE M (Current)		wrWaterRight	
36	105		Decreed	3/8/1902	1	SMITH, RONNIE D (Current); SMITH, SHARLENE (Current)	1	wrAdjudicationRecommendation	
36	105		Decreed	3/8/1902	1	SMITH, RONNIE D (Current); SMITH, SHARLENE (Current)		wrWaterRight	
36	118		Decreed	12/12/1901	0.1	VADER, EARL (Current); VADER, ETHEL (Current)		wrWaterRight	
36	7071		License	7/8/1969	73.05	JONES & SANDY LIVESTOCK CO (Current)		wrWaterRight	
36	7071		License	7/8/1969	73.05	JONES JR, JOHN W (Current); JONES, DELORIS D (Current)	1	wrAdjudicationRecommendation	
36	7740			8/1/1977	10	BUCKEYE FARMS INC (Current)		wrWaterPermit	
36	8686			11/2/1992	0.02	ANDERSON, HALLIE (Current); GRANT, BLAKE F (Current)		wrWaterPermit	
36	8728			9/24/1987	6.5	BUCKEYE FARMS INC (Current)		wrWaterPermit	
36	15157		Decreed	3/8/1902	1.2	HOSKOVEC, BARBARA (Current); HOSKOVEC, STANLEY E (Current)	1	wrAdjudicationRecommendation	
36	15157		Decreed	3/8/1902	1.2	HOSKOVEC, BARBARA (Current); HOSKOVEC, STANLEY E (Current)		wrWaterRight	
36	15454		Decreed	1/10/1917	0.17	MAVENCAMP, V JOHN (Current); MAVENCAMP, VERNON J (Current)	1	wrAdjudicationRecommendation	

Data Entry
Print Apl

36	15454	Decreed	1/10/1917	0.17	MAVENCAMP, V JOHN (Current); MAVENCAMP, VERNON J (Current)	wrWaterRight
36	15461	Decreed	3/23/1932	0.4	HOSKOVEC, BARBARA (Current); HOSKOVEC, STANLEY E (Current)	1 wrAdjudicationRecommendation
36	15461	Decreed	3/23/1932	0.4	HOSKOVEC, BARBARA (Current); HOSKOVEC, STANLEY E (Current)	wrWaterRight
36	15663	Decreed	3/8/1902	0.01	SHAPPEE, WILLIAM B (Current)	1 wrAdjudicationRecommendation
36	15664	Decreed	3/8/1902	0.24	TZANAKAKIS, GWENDOLYN PEARSON (Current); TZANAKAKIS, NIKO (Current)	1 wrAdjudicationRecommendation
36	15982	Decreed	1888-02-01	0.05	HURST, KAY L (Current); HURST, RONALD E (Current)	wrWaterRight
36	15983	Decreed	1888-02-01	0.06	WILLIMOTT, JOHN E (Current); WILLIMOTT, MARILYN K (Current)	wrWaterRight

P/D OL per VAX 9/5/02

SD-0605-2 Township: 07S Range: 14E Section: 30 Tract: NESW Lot:

Max # Records 56

S E L	Tract	L O T	R D V	Water Right No.	STATE Name Last, First	O W N	S T G	Priority Date	Source	Total Diversion
_	NESW			36-00009	BARTON, R. W.	C	D	03/08/1902	WEATHERBY S	0.80
_					BARTON, MRS. R	C				
_	NESW			36-00010	BARTON, R. W.	C	D	03/08/1902	WEATHERBY S	0.40
_					BARTON, MRS. R	C				
_	NESW			36-00011	BARTON, W. C.	C	D	03/08/1902	WEATHERBY S	1.30
_					BARTON, ELLA	C				
_	NESW			36-00015	BEDINGFELD, J.	C	D	03/08/1902	WEATHERBY S	10.90
_					BEDINGFELD, AL	C				
_					MC CARTY, MARY	C				
_	NESW			36-00016	BEDINGFIELD, J	C	D	04/04/1910	WEATHERBY S	0.30
_					MC CARTY, MARY	C				
_					BEDINGFIELD, A	C				
_	NESW			36-00017	MC CARTY, MARY	C	D	12/09/1916	WEATHERBY S	12.00
_					BEDINGFIELD, A	C				
_					BEDINGFIELD, J	C				
_	NESW			36-00041	ELIASON, ARMED	C	D	12/12/1901	HOAGLAND TU	0.80

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

SD-0605-2 Township: 07S Range: 14E Section: 30 Tract: NESW Lot:

Max # Records 56

S E L	Tract	LOT	RDV	Water Right No.	STATE Name Last, First	OWN	OS TG	Priority Date	Source	Total Diversion
_	NESW			36-00042	ELIASON, ARMED	C	D	04/04/1910	WEATHERBY	S 0.40
_	NESW			36-00044	ELIASON, JACOB	C	D	03/08/1902	WEATHERBY	S 0.70
_					ELIASON, CARRI	C				
_	NESW			36-00045	FARMER, J. EUG	C	D	02/01/1888	WEATHERBY	S 0.50
_					FARMER, MARVEL	C				
_	NESW			36-00060	HIGLEY, ALBERT	C	D	12/12/1901	WEATHERBY	S 0.50
_	NESW			36-00061	HOFFMAN, L. W.	C	D	12/12/1901	WEATHERBY	S 2.22
_					HOFFMAN, MRS.	C				
_	NESW			36-00062	HOFFMAN, L. W.	C	D	05/01/1912	WEATHERBY	S 0.28
_					HOFFMAN, MRS.	C				
_	NESW			36-00063	HOFFMAN, L. W.	C	D	11/01/1915	WEATHERBY	S 0.80
_					HOFFMAN, MRS.	C				
_	NESW			36-00068	JONES, DANIEL	C	D	02/01/1888	WEATHERBY	S 12.50
_	NESW			36-00069	JONES, DANIEL	C	D	02/01/1888	WEATHERBY	S 1.00
_	NESW			36-00105	STROUD, FLOREN	C	D	03/08/1902	WEATHERBY	S 1.00
_	NESW			36-00116	UNSINN, RUTH	C	D	12/12/1901	WEATHERBY	S 1.61

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

SD-0605-2 Township: 07S Range: 14E Section: 30 Tract: NESW Lot:

Max # Records 56

S E L	Tract	L O T	R D V	Water Right No.	STATE Name Last, First	O W N	S T G	Priority Date	Source	Total Diversion
_	NESW			36-00116	UNSINN, EMMA	C	D	12/12/1901		1.61
					FRAZIER, H. O.	C				
					DYAR, B. E.	C				
_	NESW			36-00118	VADER, EARL	C	D	12/12/1901	WEATHERBY S	0.10
					VADER, ETHEL	C				
_	NESW			36-00119	VADER, FRANK J	C	D	12/12/1901	WEATHERBY S	0.20
					VADER, KATIE	C				
_	NESW			36-00120	VADER, FRANK J	C	D	07/08/1915	WEATHERBY S	0.50
					VADER, KATIE	C				
_	NESW			36-02029	ORMSLEY, L. L.	O	L	04/05/1921	JONES SPRIN	14.40
					MC CARTY, JOHN	C				
_	NESW			36-07071	JONES & SANDY	C	L	07/08/1969	WEATHERBY S	73.05
									THREE SPRIN	
									HOAGLAND TU	
_	NESW			36-07740	BUCKEYE LAND C	O	P	08/01/1977	WEATHERBY S	10.00
					BUCKEYE FARMS	C				

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

SD-0605-2 Township: 07S Range: 14E Section: 30 Tract: NESW Lot:

Max # Records 56

S E L	Tract	LOT	RDV	Water Right No.	Name Last, First	OWN	OST	Priority Date	Source	Total Diversion
_		NESW		36-08728	BUCKEYE FARMS	C	P	09/24/1987	WEATHERBY S	6.50
_					BUCKEYE LAND C	O				
_		SENESW		36-08686	ANDERSON, HALL	C	P	11/02/1992	WEATHERBY S	0.02
_					GRANT, BLAKE F	C				
_		SENESW		T36-00015	BUCKEYE FARMS	O	D	03/08/1902	WEATHERBY S	6.50
_					BUCKEYE FARMS,	C				
_					ROSHOLT, JOHN	A				
_		SENESW		36-00033C	ELLIS, LEROY E	O	D	03/08/1902	WEATHERBY S	0.26
_					ELLIS, CONSTAN	O				
_					KRAJNIK, JOSEP	C				
_					KRAJNIK, TONI	C				
_		SENESW		36-00086D	SMITH, LANDON	C	D	02/01/1888	WEATHERBY S	0.06
_					SMITH, MARGUER	C				
_		SENESW		36-00086H	TORGRIMSON, DO	C	D	02/01/1888	WEATHERBY S	0.05
_					TORGRIMSON, JA	C				
_		SENESW		36-00086E	KNOTT, STEVEN	C	D	02/01/1888	WEATHERBY S	0.02

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

SD-0605-2 Township: 07S Range: 14E Section: 30 Tract: NESW Lot:

STATE — Max # Records 56

SEL	Tract	LOT	RDV	Water Right No.	Name Last, First	OWN	OST	OGS	Priority Date	Source	Total Diversion
_	SENESW			36-00086E	KNOTT, NANCY J	C	D		02/01/1888		0.02
_	SENESW			36-00086G	HURST, RONALD	C	D		02/01/1888	WEATHERBY S	0.11
					HURST, KAY L	C					
_	SENESW			36-00086F	HENDRIX, FRANC	C	D		02/01/1888	WEATHERBY S	0.02
					HENDRIX, ALLEN	C					
_	SENESW			T36-00033H	STRINGER, GENE	D	D		03/08/1902	WEATHERBY S	0.13
					STRINGER, GEOR	D					
					TZANAKAKIS, GW	C					
					KING, MARIAN E	O					
					TZANAKAKIS, NI	C					
_	SENESW			T36-00033J	STRINGER, GENE	D	D		03/08/1902	WEATHERBY S	0.06
					KING, MARIAN E	O					
					TZANAKAKIS, NI	C					
					TZANAKAKIS, GW	C					
					STRINGER, GEOR	D					
_	SENESW			T36-00033K	STRINGER, GENE	D	D		03/08/1902	WEATHERBY S	0.06

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

SD-0605-2 Township: 07S Range: 14E Section: 30 Tract: NESW Lot:

S E L	Tract	LOT	RDV	Water Right No.	STATE Name Last, First	OWN	OST	Priority Date	Source	Max # Records 56 Total Diversion
_	SENESW			T36-00033K	STRINGER, GEOR	D	D	03/08/1902		0.06
					TZANAKAKIS, NI	C				
					TZANAKAKIS, GW	C				
					KING, MARIAN E	O				

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-15

WATER RIGHT NUMBER: 36-15

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

Priority Date: 03/08/1902

Basis: Decreed

Status: Active

Source	Tributary
WEATHERBY SPRINGS	BILLINGSLEY CREEK

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	3/15 to 11/15	6.500 CFS	
	Total Diversion:	6.500 CFS	

Location of Point(s) of Diversion

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

GOODING County

Place of Use

IRRIGATION

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

Total Acres: 483

Conditions of Approval:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-15

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

Comments:

1. CHRISTEN 8/5/1992 CHANGES IN THE PLACE OF USE
Comment: PORTIONS OF THE PLACE OF USE DIECRIBED HEREIN WERE SOLD WITHOUT WATER RIGHTS ON FEBRUARY 7, 1989. COPIED FROM REMARKS WEATHERBY SPRINGS LIMITED BY STIPULATION IN GOODING COUNTY CASE 16676 IN JANUARY OF 1979. ALL IRRIGATION AND STOCK USERS WERE TO SPLIT 325 INCHES MARCH 1 TO NOV. 1 AND 200 INCHES NOV. 1 TO MARCH 1. COURT DID NOT ALLOCATE REDUCTION AMONGST USERS. THIS FILING IS MADE TO COVER SO MUCH OF THE 6.5 CFS AS GETS TO APPLICANT'S GROUND.

2. SCHULTZ 9/23/1992 NOTICE OF ERROR (NOE)
Comment: RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/5/92. DID NOT REVERIFY ANY PART OF CLAIM.

3. CLELLAND 10/21/1992 NOE RESPONSE
Comment: MET TODAY WITH JOHN SIMPSON AND SHARON STRICKLAND AT IDWR, REVIEWED THE RECOMMENDATIONS AND ANALYSIS FOR THE ACREAGES AND AMOUNTS. NO CHANGES.

4. ROBERTSO 6/21/1993 ADDRESS CHANGE
Comment: Change of address form received 6/17/93. A36-00015 also changed this date.

5. MSTERLIN 6/12/1996 COPIED FROM REMARKS/REFORMATTED REMARKS
Comment: 0.66 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

Dates and Other Information:

Licensed Date:
Decreed Date: 3/6/1997
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 36A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

at region still 2/5/02

Transfer No. 66354
Receipt No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

1. Applicant Information

Will this transfer result in an ownership change? _____ Yes _____No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acres	Total	Source
36-15	WR/Decreed	6.50 cfs		483.0		WEATHERBY SPRINGS
36-18	AJC/Decreed	20.00 cfs		870.0		BILLINGSLEY CREEK

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right
Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-15	NO	NO	NO	NO	NO	NO
36-18	NO	NO	NO	NO	NO	NO

Describe the reason for the proposed changes

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
36-15	6.50 cfs		483.0	
36-18	20.00 cfs		483.0	
TOTAL				

Transfer No. 66354
Receipt No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

_____
(Signature of Applicant)

_____
(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

_____
(Notary Public)

My commission expires _____

Transfer No. 66354
Receipt No. _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 36-15

Priority Date: 03/08/1902
Origin: Water Right
Basis: Decreed
Status: Active

Source: WEATHERBY SPRINGS **Tributary:** BILLINGSLEY CREEK

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	3/15	11/15	6.50 CFS		
	Total Diversion		6.50 CFS		

Source and Point(s) of Diversion:

Source	Twp	Range	Section	1/4 of 1/4 of 1/4	Lot	County
WEATHERBY SPRINGS	07S	14E	30	SENESW		GOODING

PLACE OF USE: IRRIGATION

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

Total Acres: 483

Conditions/Remarks:

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

2. WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH, NORTH PIPELINE, AND SOUTH PIPELINE.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

Transfer No. 66354
Receipt No. _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 36-18

Priority Date: 04/01/1917
Origin: Adjudication Claim
Basis: Decreed
Status: Active

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

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	3/01	11/15	20.00 CFS		
	Total Diversion		20.00 CFS		

Source and Point(s) of Diversion:

Source	Twp	Range	Section	1/4 of 1/4 of 1/4	Lot	County
BILLINGSLEY CREEK	07S	14E	31	SWNE		GOODING

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 13E 23									40.0	40.0	40.0	40.0					160.0
07S 13E 26		30.0	15.0		40.0	40.0		40.0	40.0		40.0	40.0		10.0	40.0	40.0	375.0
07S 13E 35	10.0	40.0	40.0	15.0	40.0	40.0		40.0	40.0				30.0	40.0			335.0

Total Acres: 870

Conditions/Remarks:

1. 36-00015 TO 36-00017 ARE APPURTENANT TO THIS GROUND, WERE LIMITED BY STIPULATION IN GOODING COUNTY CASE 16676, JONES V. RESERVOIR LAND CO., INC., ET.AL. TO 325" (6.5 CFS), MARCH 1 TO NOV. 1 AND 200" (4.0 CFS) NOV. 1 TO MARCH 1. 36-00018 WILL BE IMPAIRED BY AGREEMENT IF PERMIT 36-07742 DEVELOPED.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

Transfer No. 66354
Receipt No. _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A

Proposed Water Right No. 36-15

Priority Date: 03/08/1902
Origin: Water Right
Basis: Decreed
Status: Active

Source: WEATHERBY SPRINGS **Tributary:** BILLINGSLEY CREEK

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	3/15	11/15	6.50 CFS		
	Total Diversion		6.50 CFS		

Source and Point(s) of Diversion:

Source	Twp	Range	Section	1/4 of 1/4 of 1/4	Lot	County
WEATHERBY SPRINGS	07S	14E	30	SENESW		GOODING

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	26											40.0	40.0			39.0	39.0	158.0
07S	13E	35	10.0	40.0	40.0	15.0	40.0	40.0		40.0	40.0				20.0	40.0			325.0

Total Acres: 483

Transfer No. 66354
Receipt No. _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A

Proposed Water Right No. 36-18

Priority Date: 04/01/1917
Origin: Adjudication Claim
Basis: Decreed
Status: Active

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

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	3/15	11/15	20.00 CFS		
	Total Diversion		20.00 CFS		

Source and Point(s) of Diversion:

Source	Twp	Range	Section	1/4 of 1/4 of 1/4	Lot	County
BILLINGSLEY CREEK	07S	14E	31	NESWNE		GOODING

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	26											40.0	40.0			39.0	39.0	158.0
07S	13E	35	10.0	40.0	40.0	15.0	40.0	40.0		40.0	40.0				20.0	40.0			325.0

Total Acres: 483

4/92

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS: PERMIT NO. 36- 07740

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

(✓) Blank Field Report & Notice of Completed Exam

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

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

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

(✓) Copy of Orthophotoquad Map

(✓) ~~660~~ 6.13 Scale Aerial Photo (Examiner Will Obtain If Applicable)

(✓) Government Lot Plats (If Applicable)

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

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

(✓) Increase Rate of Flow or Volume

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

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

( ) Add Supplemental Water Source

(✓) Increase Acres Within Tracts

C. Field Exam Appointment Made:

Date 1-28-97 Time _____ Place Buckeye Farms

Contact Person & Phone _____

D. Post-Exam Review & Processing

Exam Completed 6-10-01 Notice of Completion Turned In _____

Field Report Completed 6-10-01 Daniel A. Mehr 6-10-01
Signature of Examiner & Date

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

Field Report Reviewed by Region Mgr. AD 6/26/01 (Initial & Date)

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

WR #		Process	Priority Date	Div Rate	SOU	# Day's	Vol Calc	3 sig fig	Vol	Source List	Water Use List	CFS	AF
Combine use limit:												6.5	871
36	15	Water Right	3/8/1902	6.50						WEATHERBY SPRINGS	IRRIGATION	x	
36	7740	Water Right	8/1/1977	6.50	*1/1 - 12/31*	*365*	*4,706*	*4,710*	4,710	WEATHERBY SPRINGS	FISH PROPAGATION	x	x
36	8728	Water Right	9/24/1987	6.50						WEATHERBY SPRINGS	DIVERSION TO STORAGE	x	
									763		AESTHETIC STORAGE		x
									763		RECREATION STORAGE		x
									763		WILDLIFE STORAGE		x
				Combine rate limit =	6.5								
36	*8729*	*Water Right*	*9/24/1987*	*22.45*						*RILEY CREEK*	*DIVERSION TO STORAGE*		
									748.0	*RILEY CREEK*	*AESTHETIC STORAGE*		x
									748.0	*RILEY CREEK*	*RECREATION STORAGE*		x
									748.0	*RILEY CREEK*	*WILDLIFE STORAGE*		x
36	*8730*	*Water Right*	*9/24/1987*	*20.00*						*BILLINGSLEY CREEK*	*DIVERSION TO STORAGE*		
									763.0	*BILLINGSLEY CREEK*	*AESTHETIC STORAGE*		x
									763.0	*BILLINGSLEY CREEK*	*RECREATION STORAGE*		x
									763.0	*BILLINGSLEY CREEK*	*WILDLIFE STORAGE*		x
36	*8335*	*Water Right*	*9/24/1987*	*11.90*						*BILLINGSLEY CREEK*	*DIVERSION TO STORAGE*		
									646.0	*BILLINGSLEY CREEK*	*AESTHETIC STORAGE*		x
									646.0	*BILLINGSLEY CREEK*	*RECREATION STORAGE*		x
									646.0	*BILLINGSLEY CREEK*	*WILDLIFE STORAGE*		x

Entire Ditch System

Diversion Name: BAR-S DITCH **Water Dist Div. No.:** 410005

Discharge, Cubic Feet Per Second, Calendar Year 1995

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01			4.2	5.9	6.6	8.3	6.4	6.6	6.4	7.0	7.2	5.9
02			4.2	5.9	6.6	6.4	6.4	6.6	6.4	7.0	7.2	5.9
03			4.2	5.9	6.6	6.4	6.4	6.6	6.4	7.0	0.0	5.9
04			4.2	5.9	6.6	6.4	6.4	6.6	6.4	7.0	0.0	5.9
05			4.2	5.9	6.6	6.4	6.4	6.6	6.4	7.0	0.0	5.9
06			4.2	5.9	6.6	6.4	6.4	6.6	6.4	6.6	0.0	6.1
07			4.2	6.1	6.6	6.4	6.1	6.6	6.4	6.6	0.0	6.1
08			4.2	6.1	6.6	6.4	6.1	6.6	6.8	6.6	0.0	6.1
09			0.0	6.1	6.6	6.4	6.1	6.6	6.8	6.6	0.0	6.1
10			0.0	6.1	6.6	6.4	6.1	6.6	6.8	6.6	5.7	6.1
11			0.0	6.1	6.6	6.4	6.1	6.6	6.8	6.6	5.7	6.1
12			0.0	6.1	6.4	6.4	6.1	6.6	6.8	6.6	5.7	6.1
13			0.0	6.1	6.4	6.4	6.1	6.6	6.8	6.8	5.7	6.1
14			0.0	5.7	6.4	6.4	6.4	6.6	6.8	6.8	5.7	6.1
15			0.0	5.7	6.4	6.4	6.4	6.6	6.8	6.8	5.7	5.9
16			0.0	5.7	6.4	6.6	6.4	6.6	6.8	6.8	5.7	5.9
17			0.0	5.7	6.4	6.6	6.4	6.6	6.8	6.8	5.9	5.9
18			0.0	5.7	6.4	6.6	6.4	6.8	6.8	6.8	5.9	5.9
19			0.0	5.7	7.0	6.6	6.4	6.8	6.8	6.8	5.9	5.9
20			0.0	5.7	7.0	6.6	6.4	6.8	6.8	6.8	5.9	5.9
21			0.0	6.6	7.0	6.6	6.1	6.8	6.8	6.8	5.9	5.9
22			0.0	6.6	7.0	6.6	6.1	6.8	6.6	6.8	5.9	5.9
23			0.0	6.6	7.0	6.6	6.1	6.8	6.6	6.8	5.9	5.9
24			6.2	6.6	7.0	6.6	6.1	6.8	6.6	6.8	5.9	5.9
25			6.2	6.6	7.0	6.4	6.1	6.6	6.6	6.8	5.9	5.9
26			6.2	6.6	7.0	6.4	6.1	6.6	6.6	6.8	5.9	5.9
27			6.2	6.6	7.0	6.4	6.1	6.6	6.6	7.2	5.9	5.9
28			6.2	6.6	8.3	6.4	6.6	6.6	6.6	7.2	5.9	5.9
29			6.2	6.6	8.3	6.4	6.6	6.6	6.6	7.2	5.9	5.7
30			6.2	6.6	8.3	6.4	6.6	6.6	7.0	7.2	5.9	5.7
31			5.9		8.3		6.6	6.6		7.2		5.7
Total			83.3	183.8	213.8	196.4	194.9	206.2	199.9	212.1	136.8	183.6
Mean			2.7	6.1	6.9	6.5	6.3	6.7	6.7	6.8	4.6	5.9
Min			0.0	5.7	6.4	6.4	6.1	6.6	6.4	6.6	0.0	5.7
Max			6.2	6.6	8.3	8.3	6.6	6.8	7.0	7.2	7.2	6.1
Ac-Ft			165.1	364.6	424.0	389.6	386.5	408.9	396.6	420.7	271.3	364.1

Calendar Year 1995 Total Cfs: 1811 **Total Ac-Ft: 3591**

Diversion Name: BAR-S DITCH **Water Dist Div. No.:** 410005

Discharge, Cubic Feet Per Second, Calendar Year 1996

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	5.7	5.7	5.0	6.4	6.3	6.5	6.5	6.5	6.8	6.6	6.6	4.3
02	5.7	5.5	5.0	6.4	6.3	6.5	6.5	6.5	6.8	6.6	6.6	4.3
03	5.7	5.5	5.0	6.4	6.6	6.5	6.5	6.3	6.8	6.6	6.6	4.3
04	5.7	5.5	5.0	6.4	6.6	6.5	6.5	6.3	6.8	7.0	6.6	4.3
05	5.7	5.5	5.0	6.4	6.6	6.5	6.6	6.3	6.8	7.0	6.6	4.3
06	5.7	5.5	5.0	6.4	6.6	6.5	6.6	6.3	6.8	7.0	6.6	4.0
07	5.7	5.5	5.0	6.4	6.6	6.5	6.6	6.3	6.8	7.0	6.6	4.0
08	5.7	5.5	6.6	6.4	6.6	6.5	6.6	6.3	6.8	7.0	0.0	4.0
09	5.7	5.5	6.6	6.4	6.6	6.5	6.6	6.1	6.8	7.0	0.0	4.0
10	5.7	5.5	6.6	6.4	6.5	6.5	6.6	6.1	6.8	7.0	0.0	4.0
11	5.7	5.5	6.6	6.4	6.5	6.5	6.6	6.1	6.8	7.0	0.0	4.0
12	5.7	5.5	6.6	6.4	6.5	6.5	6.8	6.1	6.8	7.0	0.0	4.0
13	5.7	5.5	6.6	6.4	6.5	6.5	6.8	6.1	6.5	7.0	0.0	4.1
14	5.7	5.5	6.6	6.4	6.5	6.6	6.8	6.1	6.5	7.0	0.0	4.1
15	5.7	5.5	6.6	6.4	6.5	6.6	6.8	6.1	6.5	7.0	4.1	4.1
16	5.7	5.4	6.6	6.4	6.5	6.6	6.8	6.1	6.5	7.0	4.1	4.1
17	5.7	5.4	6.6	6.4	6.6	6.6	6.8	6.5	6.5	7.0	4.1	4.1
18	5.7	5.4	6.6	6.4	6.6	6.6	6.8	6.5	7.4	7.4	4.1	4.1
19	5.7	5.4	6.6	6.3	6.6	6.6	6.6	6.5	7.4	7.4	4.1	4.1
20	5.7	5.4	6.6	6.3	6.6	6.6	6.6	6.5	6.6	7.4	4.1	4.1
21	5.7	5.4	6.6	6.3	6.6	6.5	6.6	6.5	6.6	7.4	4.1	4.1
22	5.7	5.4	6.6	6.3	6.6	6.5	6.6	6.5	6.6	7.4	4.3	4.1
23	5.7	5.2	6.6	6.3	6.6	6.5	6.6	6.3	6.6	7.4	4.3	4.1
24	5.7	5.2	6.6	6.3	0.0	6.5	6.6	6.3	6.6	7.4	4.3	4.1
25	5.7	5.2	6.6	6.3	0.0	6.5	6.6	6.3	6.6	6.8	4.3	4.1
26	5.7	5.2	6.6	6.3	0.0	6.5	6.5	6.3	6.6	6.8	4.3	4.1
27	5.7	5.2	6.6	6.3	0.0	6.5	6.5	6.3	6.6	6.8	4.3	4.0
28	5.7	5.2	6.6	6.3	0.0	6.5	6.5	6.3	6.6	6.8	4.3	4.0
29	5.7	5.2	6.4	6.3	0.0	6.5	6.5	6.3	6.6	6.8	4.3	4.0
30	5.7		6.4	6.3	0.0	6.5	6.5	6.8	6.6	6.8	4.3	4.0
31	5.7		6.4		0.0		6.5	6.8		6.8		4.0
Total	177.0	157.2	193.3	191.2	150.8	195.1	205.3	196.0	201.9	217.3	114.2	127.3
Mean	5.7	5.4	6.2	6.4	4.9	6.5	6.6	6.3	6.7	7.0	3.8	4.1
Min	5.7	5.2	5.0	6.3	0.0	6.5	6.5	6.1	6.5	6.6	0.0	4.0
Max	5.7	5.7	6.6	6.4	6.6	6.6	6.8	6.8	7.4	7.4	6.6	4.3
Ac-Ft	351.1	311.8	383.4	379.3	299.0	386.9	407.2	388.7	400.5	430.9	226.4	252.6

Calendar Year 1996 Total Cfs: 2126 **Total Ac-Ft: 4218**

Diversion Name: BAR-S DITCH **Water Dist Div. No.:** 410005

Discharge, Cubic Feet Per Second, Calendar Year 1997

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	4.0	3.8	4.0	6.5	7.0	4.6	0.0	6.5	6.5	7.4	6.8	4.9
02	4.0	3.8	4.0	6.5	7.0	4.6	0.0	6.5	6.5	7.4	6.8	4.9
03	3.8	3.8	4.0	6.5	7.0	4.6	0.0	6.5	6.5	7.4	6.8	4.9
04	3.8	3.8	4.0	6.6	7.0	4.6	6.6	6.5	6.5	7.4	6.8	4.9
05	3.8	3.8	4.0	6.6	7.0	4.6	6.6	6.5	6.6	7.4	6.8	4.8
06	3.8	3.8	4.0	6.6	7.0	7.2	6.6	6.5	6.6	7.4	6.8	4.8
07	3.8	4.0	6.6	6.6	7.0	7.2	6.6	6.5	6.6	7.4	6.8	4.8
08	3.8	4.0	6.6	6.6	7.0	7.2	6.6	6.6	6.6	7.4	6.8	4.8
09	3.8	4.0	6.6	6.6	7.0	7.2	6.6	6.6	6.6	7.4	6.8	4.8
10	3.8	4.0	6.6	6.6	7.0	7.2	6.6	6.6	6.6	7.0	6.8	4.8
11	3.8	4.0	6.6	7.0	7.0	7.2	6.5	6.6	6.6	7.0	6.8	4.8
12	3.8	4.0	6.6	7.0	7.0	7.2	6.5	6.6	7.4	7.0	6.8	4.5
13	3.8	4.0	6.6	7.0	7.0	7.2	6.5	6.6	7.4	7.0	6.8	4.5
14	3.8	4.0	6.8	7.0	7.0	7.2	6.5	6.6	7.4	7.0	5.3	4.5
15	3.8	4.0	6.8	7.0	7.0	7.2	6.5	6.5	7.4	7.0	5.3	4.5
16	3.8	4.0	6.8	7.0	7.0	7.2	6.5	6.5	7.4	7.0	5.3	4.5
17	4.0	4.0	6.8	7.0	7.0	7.2	6.5	6.5	7.4	7.0	5.3	4.5
18	4.0	4.0	6.8	7.0	7.0	7.2	6.5	6.5	7.4	7.0	5.3	4.5
19	4.0	4.0	6.8	7.0	7.0	7.2	6.5	6.5	7.4	7.0	5.3	4.5
20	4.0	4.0	6.8	7.0	7.0	6.4	6.5	6.5	7.4	7.0	5.3	4.1
21	4.0	4.0	0.0	7.0	7.0	6.4	6.5	6.5	7.4	7.0	5.4	4.1
22	4.0	4.0	0.0	7.0	7.0	6.4	6.5	6.5	7.4	7.0	5.4	4.1
23	4.0	4.0	0.0	7.0	4.6	6.4	6.5	6.5	7.4	7.0	5.4	4.1
24	3.8	4.0	0.0	7.0	4.6	6.4	6.5	6.5	7.4	7.0	5.4	4.1
25	3.8	4.0	0.0	7.0	4.6	6.4	6.5	6.5	7.4	7.0	5.4	4.1
26	3.8	4.0	0.0	7.0	4.6	6.4	6.5	6.5	7.4	7.0	5.4	4.1
27	3.8	4.0	0.0	7.0	4.6	0.0	6.5	6.5	7.4	7.0	5.4	4.1
28	3.8	4.0	6.5	7.0	4.6	0.0	6.5	6.5	7.4	7.0	4.9	4.1
29	3.8		6.5	7.0	4.6	0.0	6.5	6.5	7.4	7.0	4.9	4.1
30	3.8		6.5	7.0	4.6	0.0	6.5	6.5	7.4	7.0	4.9	4.1
31	3.8		6.5		4.6		6.5	6.5		6.8		4.1
Total	120.4	110.8	144.0	205.9	195.0	168.1	182.1	201.5	212.4	220.2	178.3	138.5
Mean	3.9	4.0	4.6	6.9	6.3	5.6	5.9	6.5	7.1	7.1	5.9	4.5
Min	3.8	3.8	0.0	6.5	4.6	0.0	0.0	6.5	6.5	6.8	4.9	4.1
Max	4.0	4.0	6.8	7.0	7.0	7.2	6.6	6.6	7.4	7.4	6.8	4.9
Ac-Ft	238.8	219.8	285.6	408.3	386.7	333.5	361.3	399.7	421.2	436.7	353.7	274.7

Calendar Year 1997 Total Cfs: 2077 **Total Ac-Ft: 4120**

Diversion Name: BAR-S DITCH **Water Dist Div. No.:** 410005

Discharge, Cubic Feet Per Second, Calendar Year 1998

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01		4.8	4.8	0.0	6.3	6.8	3.5	6.6	7.0	7.0	4.9	4.2
02	4.1	4.8	4.8	0.0	6.3	6.8	3.5	6.6	7.0	7.0	4.9	4.2
03	4.1	4.8	4.8	0.0	6.3	6.8	3.5	6.6	7.0	7.0	4.9	4.2
04	4.1	4.8	4.8	0.0	6.3	6.8	3.5	6.6	7.0	7.0	4.9	4.2
05	4.1	4.8	4.8	0.0	6.3	6.8	3.5	6.6	7.0	7.0	4.9	4.2
06	4.1	4.8	4.8	0.0	6.3	6.8	3.5	6.6	7.0	7.0	4.9	4.2
07	4.1	4.9	0.0	6.8	6.5	7.2	3.1	6.8	7.0	0.0	4.9	4.2
08	4.1	4.9	0.0	6.8	6.5	7.2	3.1	6.8	7.6	0.0	4.9	4.2
09	4.1	4.9	0.0	6.8	6.5	7.2	3.1	6.8	7.6	0.0	4.9	4.2
10	4.1	4.9	0.0	6.8	6.5	7.2	3.1	6.8	7.6	0.0	4.9	4.2
11	4.1	4.9	0.0	6.8	6.5	7.2	3.1	6.8	7.6	0.0	4.9	4.2
12	4.1	4.9	0.0	6.8	6.5	7.2	3.1	6.8	7.6	0.0	4.9	4.2
13	4.1	4.9	0.0	6.8	6.5	7.2	3.1	6.8	7.6	0.0	4.9	4.2
14	4.9	4.9	0.0	6.5	6.3	4.9	6.6	7.0	7.2	0.0	4.2	4.1
15	4.9	4.9	0.0	6.5	6.3	4.9	6.6	7.0	7.2	0.0	4.2	4.1
16	4.9	4.9	0.0	6.5	6.3	4.9	6.6	7.0	7.2	0.0	4.2	4.1
17	4.9	4.9	0.0	6.5	6.3	4.9	6.6	7.0	7.2	0.0	4.2	4.1
18	4.9	4.9	0.0	6.5	6.3	4.9	6.6	7.0	7.2	0.0	4.2	4.1
19	4.9	4.9	0.0	6.5	6.3	4.9	6.6	7.0	7.2	0.0	4.2	4.1
20	4.9	4.9	0.0	6.5	6.3	4.9	6.6	7.0	7.2	0.0	4.2	4.1
21	4.9	4.8	6.5	6.6	6.6	4.1	6.6	7.0	7.2	0.0	4.8	4.1
22	4.9	4.8	6.5	6.6	6.6	4.1	6.6	7.0	7.2	0.0	4.8	4.1
23	4.9	4.8	6.5	6.6	6.6	4.1	6.6	7.0	7.2	0.0	4.8	4.1
24	4.9	4.8	6.5	6.6	6.6	4.1	6.6	7.0	7.2	0.0	4.8	4.1
25	4.9	4.8	6.5	6.6	6.6	4.1	6.6	7.0	7.2	0.0	4.8	4.1
26	4.9	4.8	6.5	6.6	6.6	4.1	6.6	7.0	7.2	0.0	4.8	4.1
27	4.9	4.8	6.5	6.6	6.6	4.1	6.6	7.0	7.2	0.0	4.8	4.1
28	4.8	4.8	0.0	6.3	6.8	3.5	6.6	7.0	7.0	4.9	4.2	4.1
29	4.8		0.0	6.3	6.8	3.5	6.6	7.0	7.0	4.9	4.2	4.1
30	4.8		0.0	6.3	6.8	3.5	6.6	7.0	7.0	4.9	4.2	4.1
31	4.8		0.0		6.8		6.6	7.0		4.9		4.1
Total	137.9	135.9	73.8	158.3	200.8	164.5	162.6	213.6	215.8	61.6	138.7	128.4
Mean	4.6	4.9	2.4	5.3	6.5	5.5	5.2	6.9	7.2	2.0	4.6	4.1
Min	4.1	4.8	0.0	0.0	6.3	3.5	3.1	6.6	7.0	0.0	4.2	4.1
Max	4.9	4.9	6.5	6.8	6.8	7.2	6.6	7.0	7.6	7.0	4.9	4.2
Ac-Ft	273.6	269.6	146.5	314.0	398.2	326.3	322.6	423.6	428.1	122.1	275.0	254.6

Calendar Year 1998 Total Cfs: 1792 **Total Ac-Ft: 3554**

Diversion Name: BAR-S DITCH **Water Dist Div. No.:** 410005

Discharge, Cubic Feet Per Second, Calendar Year 1999

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	4.0	4.6	4.3	6.5	6.5	6.5	6.8	6.6	6.8	7.2	7.6	4.3
02	4.0	4.6	4.3	6.6	6.5	6.5	7.0	6.6	6.8	7.2	7.6	4.3
03	4.0	4.6	4.3	6.6	6.5	6.5	7.0	6.6	6.6	7.2	7.6	4.0
04	4.0	4.6	4.3	6.6	6.5	6.8	7.0	6.6	6.6	7.2	7.6	4.0
05	4.0	4.8	4.3	6.6	6.5	6.8	7.0	6.6	6.6	7.2	7.6	4.0
06	4.0	4.8	4.3	6.6	6.5	6.8	7.0	7.2	6.6	7.2	7.6	4.0
07	4.0	4.8	4.3	6.6	6.1	6.8	7.0	7.2	6.6	7.2	7.6	4.0
08	3.8	4.8	4.3	6.6	6.1	6.8	7.0	7.2	6.6	7.2	7.6	4.0
09	3.8	4.8	4.3	6.3	6.1	6.8	6.5	7.2	6.6	7.2	7.6	4.0
10	3.8	4.8	4.3	6.3	6.1	6.8	6.5	7.2	6.6	7.2	7.6	3.8
11	3.8	4.8	4.3	6.3	6.1	7.0	6.5	7.2	6.6	7.2	7.6	3.8
12	3.8	4.6	4.5	6.3	6.1	7.0	6.5	7.2	6.6	7.2	0.0	4.1
13	3.8	4.6	4.5	6.3	6.1	7.0	6.5	6.6	6.6	7.2	0.0	4.1
14	3.8	4.6	4.5	6.3	6.3	7.0	6.5	6.6	6.6	7.2	0.0	4.1
15	3.8	4.6	4.5	6.3	6.3	7.0	6.5	6.6	6.6	7.2	0.0	4.1
16	3.8	4.6	4.5	6.5	6.3	7.0	6.6	6.6	6.6	7.2	0.0	4.1
17	3.8	4.6	4.5	6.5	6.3	7.0	6.6	6.6	6.6	7.2	0.0	4.1
18	3.8	4.6	4.5	6.5	6.3	7.0	6.6	6.6	6.6	7.2	0.0	4.1
19	3.8	4.5	6.3	6.5	6.3	7.0	6.6	6.6	6.6	7.2	0.0	4.1
20	3.8	4.5	6.3	6.5	6.3	7.0	6.6	6.8	6.6	7.2	0.0	4.1
21	3.8	4.5	6.3	6.5	6.5	7.0	6.6	6.8	6.6	7.2	0.0	4.1
22	4.8	4.5	6.3	6.5	6.5	7.0	6.6	6.8	6.6	7.4	0.0	4.1
23	4.8	4.5	6.3	6.5	6.5	7.0	6.8	6.8	6.6	7.4	0.0	4.1
24	4.8	4.5	6.3	6.5	6.5	7.0	6.8	6.8	7.4	7.4	0.0	4.1
25	4.8	4.5	6.3	6.5	6.5	6.8	6.8	6.8	7.4	7.4	0.0	4.1
26	4.8	4.3	6.5	6.5	6.5	6.8	6.8	6.8	7.4	7.4	0.0	4.1
27	4.8	4.3	6.5	6.5	6.5	6.8	6.8	6.8	7.4	7.4	4.3	4.1
28	4.8	4.3	6.5	6.5	6.5	6.8	6.8	6.8	7.4	7.4	4.3	4.1
29	4.6		6.5	6.5	6.5	6.8	6.8	6.8	7.4	7.6	4.3	4.1
30	4.6		6.3	6.5	6.5	6.8	6.6	6.8	7.4	7.6	4.3	4.1
31	4.6		6.5		6.5		6.6	6.8		7.6		4.1
Total	128.9	128.2	161.1	193.9	196.3	206.0	208.5	211.8	204.7	225.0	100.3	127.0
Mean	4.2	4.6	5.2	6.5	6.3	6.9	6.7	6.8	6.8	7.3	3.3	4.1
Min	3.8	4.3	4.3	6.3	6.1	6.5	6.5	6.6	6.6	7.2	0.0	3.8
Max	4.8	4.8	6.5	6.6	6.5	7.0	7.0	7.2	7.4	7.6	7.6	4.3
Ac-Ft	255.7	254.3	319.6	384.5	389.4	408.7	413.6	420.1	406.0	446.3	198.8	251.9

Calendar Year 1999 Total Cfs: 2092 **Total Ac-Ft: 4149**

Diversion Name: BAR-S DITCH **Water Dist Div. No.:** 410005

Discharge, Cubic Feet Per Second, Calendar Year 2000

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	4.0	4.1	4.6	6.5	6.3	4.9	6.3	6.3	6.3	6.1	6.8	6.1
02	4.0	4.1	4.6	6.5	6.3	6.3	6.3	6.3	6.3	6.1	6.8	6.1
03	4.0	4.1	4.6	6.5	6.3	6.3	6.3	6.3	6.3	6.1	6.8	6.1
04	4.0	4.5	4.6	6.5	6.3	6.3	6.3	6.3	6.3	6.1	6.8	6.1
05	4.0	4.5	4.6	6.5	6.3	6.3	6.3	6.3	6.3	6.1	6.8	6.1
06	4.0	4.5	4.6	6.5	6.1	6.3	6.3	6.3	6.3	6.3	6.8	6.1
07	4.0	4.5	4.6	6.3	6.1	6.3	6.3	6.3	6.3	6.3	6.8	5.9
08	4.0	4.5	4.6	6.3	6.1	6.3	6.3	6.3	6.6	6.3	6.8	5.9
09	4.0	4.5	4.6	6.3	6.1	6.5	6.3	6.3	6.6	6.3	6.8	5.9
10	4.0	4.5	4.5	6.3	6.1	6.5	6.3	6.3	6.6	6.3	6.8	5.9
11	4.0	4.6	4.5	6.3	6.1	6.5	6.3	6.1	6.6	6.3	6.8	5.9
12	4.0	4.6	4.5	6.3	6.5	6.5	6.3	6.1	6.6	6.3	6.8	5.9
13	4.0	4.6	4.5	6.3	6.5	6.5	6.3	6.1	6.6	6.3	6.8	5.9
14	4.3	4.6	4.5	6.3	6.5	6.5	6.3	6.1	6.6	6.3	6.8	5.9
15	4.3	4.6	4.5	6.3	6.5	6.5	6.3	6.1	6.3	6.3	6.8	5.9
16	4.3	4.6	4.5	6.3	6.5	6.6	6.3	6.1	6.3	6.3	6.8	5.9
17	4.3	4.6	6.5	6.3	6.5	6.6	6.3	6.1	6.3	6.3	6.6	5.9
18	4.3	4.6	6.5	6.3	6.5	6.6	6.3	6.3	6.3	6.3	6.6	5.9
19	4.3	4.6	6.5	6.3	7.0	6.6	6.3	6.3	6.3	6.3	6.6	5.9
20	4.3	4.6	6.5	6.3	7.0	6.6	6.3	6.3	6.3	6.8	6.6	5.9
21	4.1	4.6	6.5	6.5	7.0	6.6	6.3	6.3	6.3	6.8	6.6	5.9
22	4.1	4.6	6.5	6.5	7.0	6.6	6.3	6.3	5.9	6.8	6.6	4.0
23	4.1	4.6	6.5	6.5	7.0	6.5	6.3	6.3	5.9	6.8	6.6	4.0
24	4.1	4.6	6.6	6.5	7.0	6.5	6.3	6.3	5.9	6.8	5.3	4.0
25	4.1	4.6	6.6	6.5	7.0	6.5	6.3	5.9	5.9	6.8	5.3	4.0
26	4.1	4.6	6.6	6.5	4.9	6.5	6.3	5.9	5.9	6.8	5.3	4.0
27	4.1	4.6	6.6	6.5	4.9	6.5	6.3	5.9	5.9	6.8	5.3	4.0
28	4.1	4.6	6.6	6.3	4.9	6.5	6.3	5.9	5.9	6.8	5.3	4.0
29	4.1	4.6	6.6	6.3	4.9	6.5	6.3	5.9	6.1	6.8	5.3	4.0
30	4.1		6.6	6.3	4.9	6.3	6.3	5.9	6.1	6.8	5.3	4.0
31	4.1		6.5		4.9		6.3	5.9		6.8		4.0
Total	127.5	131.2	170.9	190.9	192.0	192.2	195.0	191.3	188.3	200.5	192.4	165.7
Mean	4.1	4.5	5.5	6.4	6.2	6.4	6.3	6.2	6.3	6.5	6.4	5.3
Min	4.0	4.1	4.5	6.3	4.9	4.9	6.3	5.9	5.9	6.1	5.3	4.0
Max	4.3	4.6	6.6	6.5	7.0	6.6	6.3	6.3	6.6	6.8	6.8	6.1
Ac-Ft	252.9	260.3	338.9	378.7	380.8	381.2	386.8	379.4	373.6	397.6	381.7	328.6

Calendar Year 2000 Total Cfs: 2138 **Total Ac-Ft: 4240**

Diversion Name: BAR-S DITCH **Water Dist Div. No.:** 410005

Discharge, Cubic Feet Per Second, Calendar Year 2001

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
01	4.0	4.0	3.7	6.6	6.3	6.3	6.1	6.1	6.5	6.6	0.0	4.1
02	4.0	4.0	4.0	6.6	6.3	6.3	6.6	6.1	6.5	6.6	0.0	4.1
03	4.0	4.0	4.0	6.6	6.3	6.3	6.6	6.1	6.5	6.6	0.0	4.1
04	4.0	4.0	4.0	6.6	6.3	6.3	6.6	6.1	6.5	6.6	0.0	4.1
05	4.3	4.0	4.0	6.6	6.3	6.3	6.6	6.1	6.5	6.6	0.0	4.1
06	4.3	4.0	4.0	6.5	6.3	6.3	6.6	6.1	6.5	6.6	0.0	4.1
07	4.3	4.0	4.0	6.5	6.3	6.3	6.6	6.1	6.5	6.6	0.0	4.0
08	4.3	4.0	4.0	6.5	6.3	6.3	6.6	6.5	6.6	6.6	0.0	4.0
09	4.3	3.8	6.5	6.5	6.3	6.5	6.6	6.5	6.6	6.6	0.0	4.0
10	4.3	3.8	6.5	6.5	6.3	6.5	7.0	6.5	6.6	6.8	0.0	4.0
11	4.3	3.8	6.5	6.5	6.3	6.5	7.0	6.5	6.6	6.8	0.0	4.0
12	4.1	3.8	6.5	6.5	6.3	6.5	7.0	6.5	6.6	6.8	0.0	4.0
13	4.1	3.8	6.5	6.5	6.3	6.5	7.0	6.5	6.5	6.8	0.0	4.0
14	4.1	3.8	6.5	6.5	6.3	6.5	7.0	6.5	6.5	6.8	0.0	4.5
15	4.1	3.8	6.5	6.5	6.3	6.5	7.0	6.5	6.5	6.8	0.0	4.5
16	4.1	3.8	6.5	6.5	6.3	6.5	7.0	6.5	6.5	6.8	4.1	4.5
17	4.1	3.8	6.5	6.5	6.5	6.5	7.0	6.5	6.5	6.8	4.1	4.5
18	4.1	3.8	6.5	6.5	6.5	6.5	6.1	6.5	6.5	6.8	4.1	4.5
19	4.1	3.8	6.5	6.5	6.5	6.5	6.1	6.5	6.5	6.6	4.1	4.5
20	4.1	3.8	6.5	6.3	6.5	6.5	6.1	6.5	6.5	6.6	4.1	4.5
21	4.1	3.8	6.5	6.3	6.5	6.5	6.1	6.5	6.5	6.6	4.1	4.1
22	4.1	3.8	6.5	6.3	6.5	6.5	6.1	6.6	6.5	6.6	4.1	0.0
23	4.1	3.7	6.5	6.3	6.5	6.5	6.1	6.6	6.5	6.6	4.1	4.1
24	4.1	3.7	6.5	6.3	6.5	6.5	6.1	6.6	6.5	0.0	4.1	4.1
25	4.1	3.7	6.5	6.3	6.3	6.1	6.6	6.6	6.5	0.0	4.1	4.1
26	4.0	3.7	6.5	6.3	6.3	6.1	6.6	6.6	6.6	0.0	4.1	4.1
27	4.0	3.7	6.5	6.3	6.3	6.1	6.6	6.6	6.6	0.0	4.1	4.1
28	4.0	3.7	6.5	6.3	6.3	6.1	6.6	6.6	6.6	0.0	4.1	4.3
29	4.0		6.5	6.3	6.3	6.1	6.6	6.5	6.6	0.0	4.1	4.3
30	4.0		6.6	6.3	6.3	6.1	6.6	6.5	6.6	0.0	4.1	4.3
31	4.0		6.6		6.3		6.6	6.5		0.0		4.3
Total	128.0	107.8	180.6	192.8	196.4	190.3	204.5	199.1	195.6	154.3	62.1	126.0
Mean	4.1	3.9	5.8	6.4	6.3	6.3	6.6	6.4	6.5	5.0	2.1	4.1
Min	4.0	3.7	3.7	6.3	6.3	6.1	6.1	6.1	6.5	0.0	0.0	0.0
Max	4.3	4.0	6.6	6.6	6.5	6.5	7.0	6.6	6.6	6.8	4.1	4.5
Ac-Ft	253.8	213.9	358.1	382.5	389.5	377.5	405.6	394.9	388.0	306.1	123.2	250.0

Calendar Year 2001 Total Cfs: 1937 **Total Ac-Ft: 3843**

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-07740

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

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

RECEIVED
JUL 02 2001
Department of Water Resources

2. Accompanied by: Dan Yore EXAM DATE : 1-28-1997

Address: same as above Phone No. same as above

Relationship to Permit Holder: Farm and Hunt Club Manager

3. Source: WHEATHERBY SPRINGS tributary to SNAKE RIVER

B. OVERLAP REVIEW

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

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

1. **Point(s) of Diversion:**

Ident No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
P/D FOR CURREN DITCH WHEATHERBY SPRINGS			NE	SW	30	7S	14E	TWIN FALLS	Visual inspection and the use of ASCS aerial photos and USGS Quadrangle maps and Global Satellite Positioning (GPS) transferred into Arcview

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

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13 E	34							X LT 5 & 9		X LT 3								

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

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

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

SEE ATTACHED SHEET.

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

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

YES Photo of Diversion and System Attached

4.

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

Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

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

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

E. NARRATIVE/REMARKS/COMMENTS

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

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

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

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

OVERLAP:

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

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

F. FLOW CALCULATIONS _YES_ Additional Computation Sheets Attached

WATER MEASURED DURING FIELD EXAM = 2.85 CFS (SEE ATTACHED SHEET)

1995 Water Measurement Report = 8.31 cfs (SEE ATTACHED SHEETS)

PLEASE NOTE: The diversion rate is limited by the maximum amount that can be diverted through the Bar S Pipeline. The adjudication staff have limited the diversion to 6.50 cfs.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

B

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

BENEFICIAL USE	PERIOD FROM	OF USE TO	ANNUAL Q (CFS)	VOLUME V(AFA)
FISH PROPAGATION	1/1	12/31	6.50	

Totals: 6.50 CFS AFA

2. Recommended Amendments

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

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

I. AUTHENTICATION

Daniel A. Nelson

Field Examiner's Name Daniel A. Nelson Date 6-10-2001

Reviewer _____ Date _____ SEAL

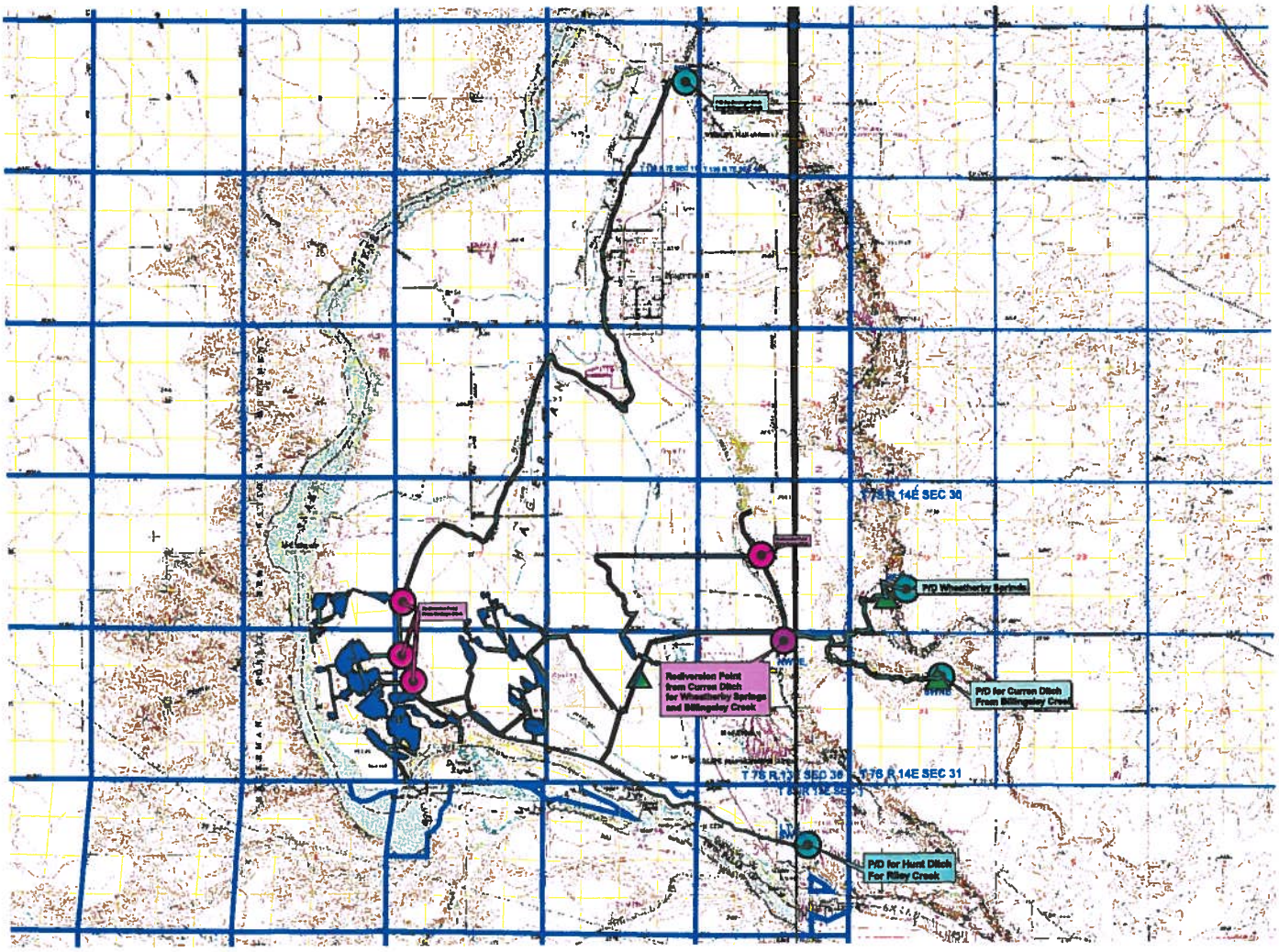
RECOMMENDATIONS:

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

1. That it is licensed for 6.5-cfs diversion rate.

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

Buckeye Farms Distribution System



0.3 0 0.3 0.6 0.9 1.2 1.5 1.8 2.1 Miles

N

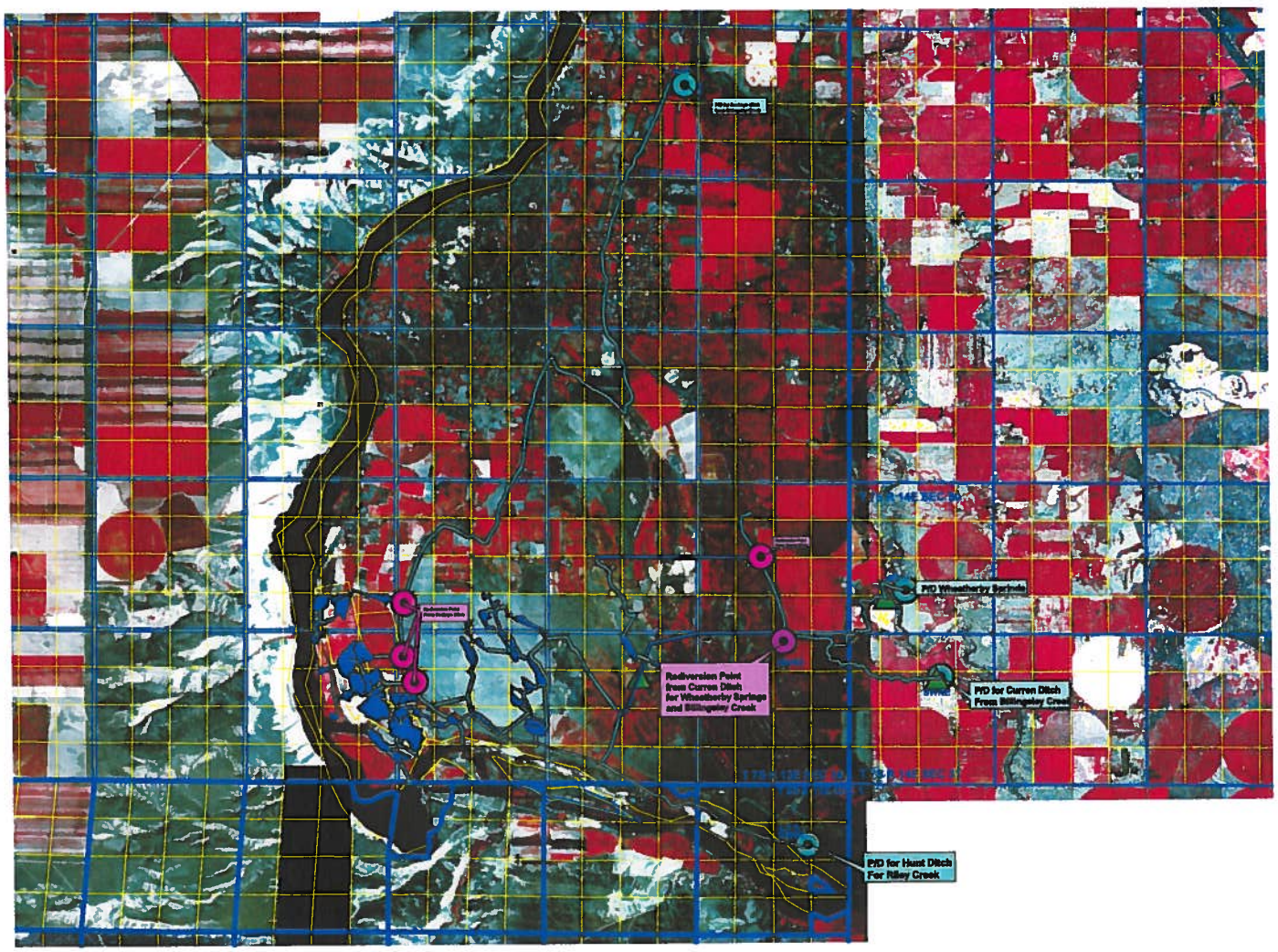
Fish Hatcherys

PONDS

Points of Diversion

Rediversion points

Buckeye Farms Distribution System



0.3 0 0.3 0.6 0.9 1.2 1.5 1.8 2.1 Miles

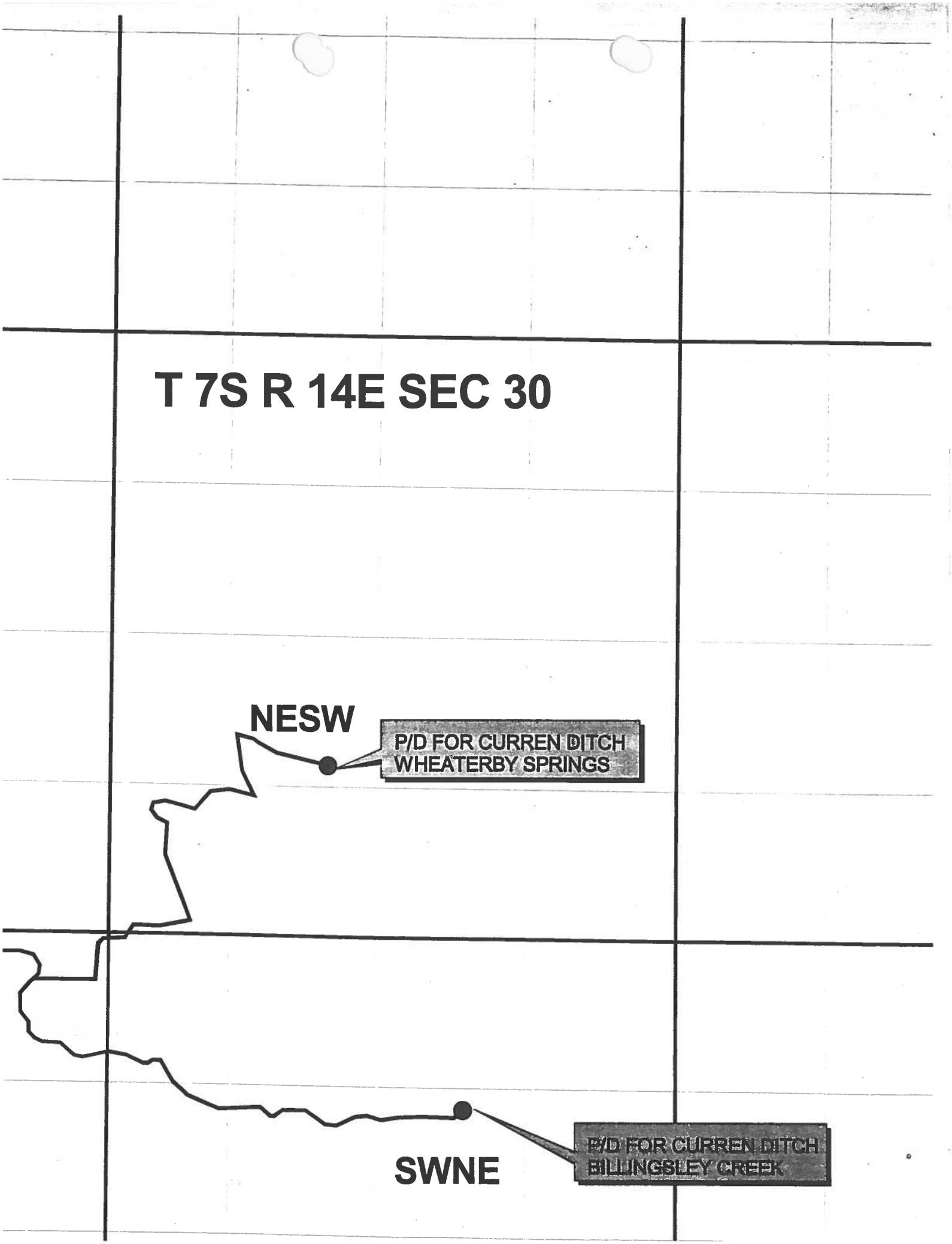
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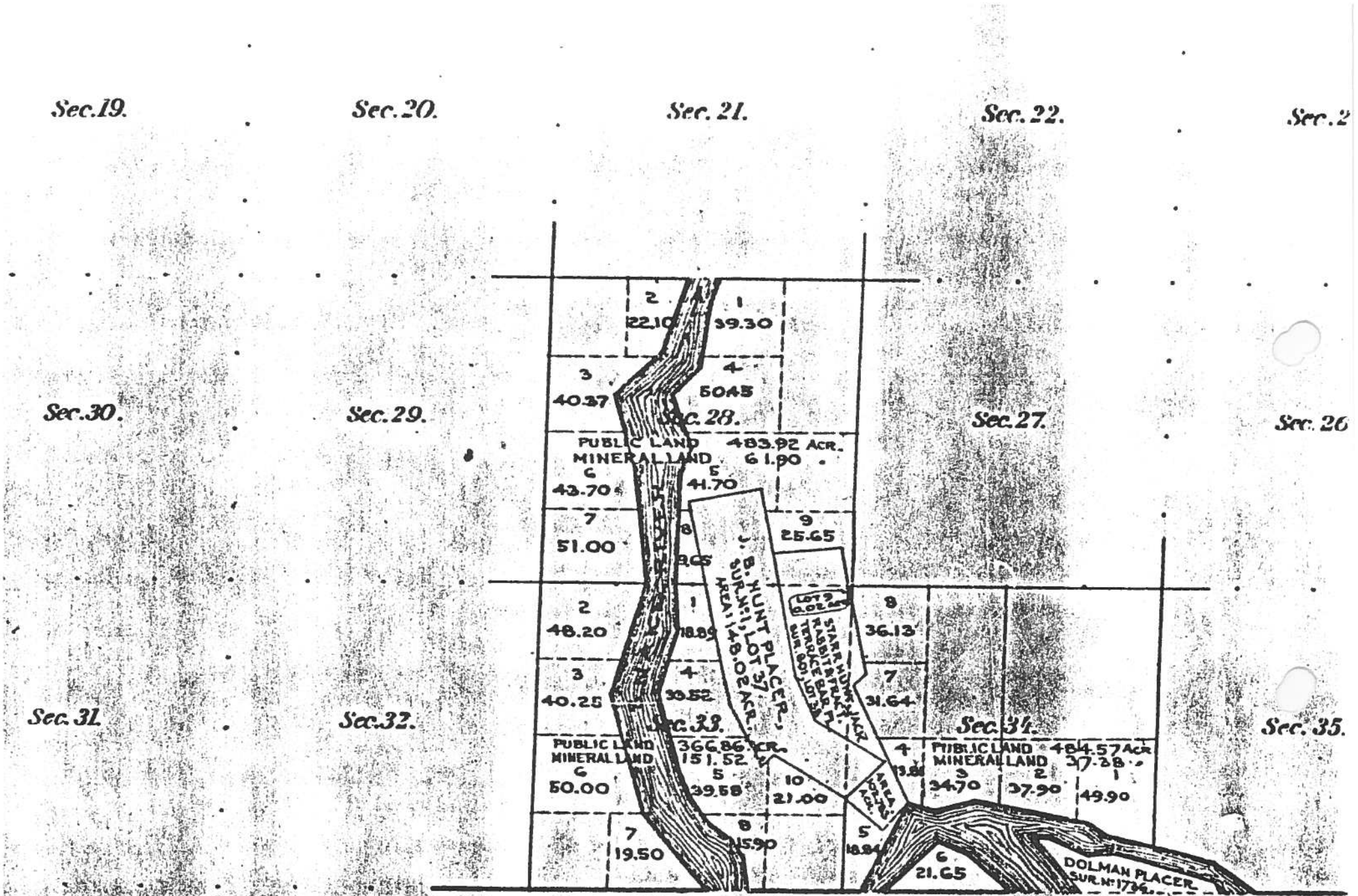
Fish Hatcherys

PONDS

Points of Diversion

Rediversion points


T 7S R 14E SEC 30
NESW
P/D FOR CURREN DITCH
WHEATERBY SPRINGS
SWNE
P/D FOR CURREN DITCH
BILLINGSLEY CREEK

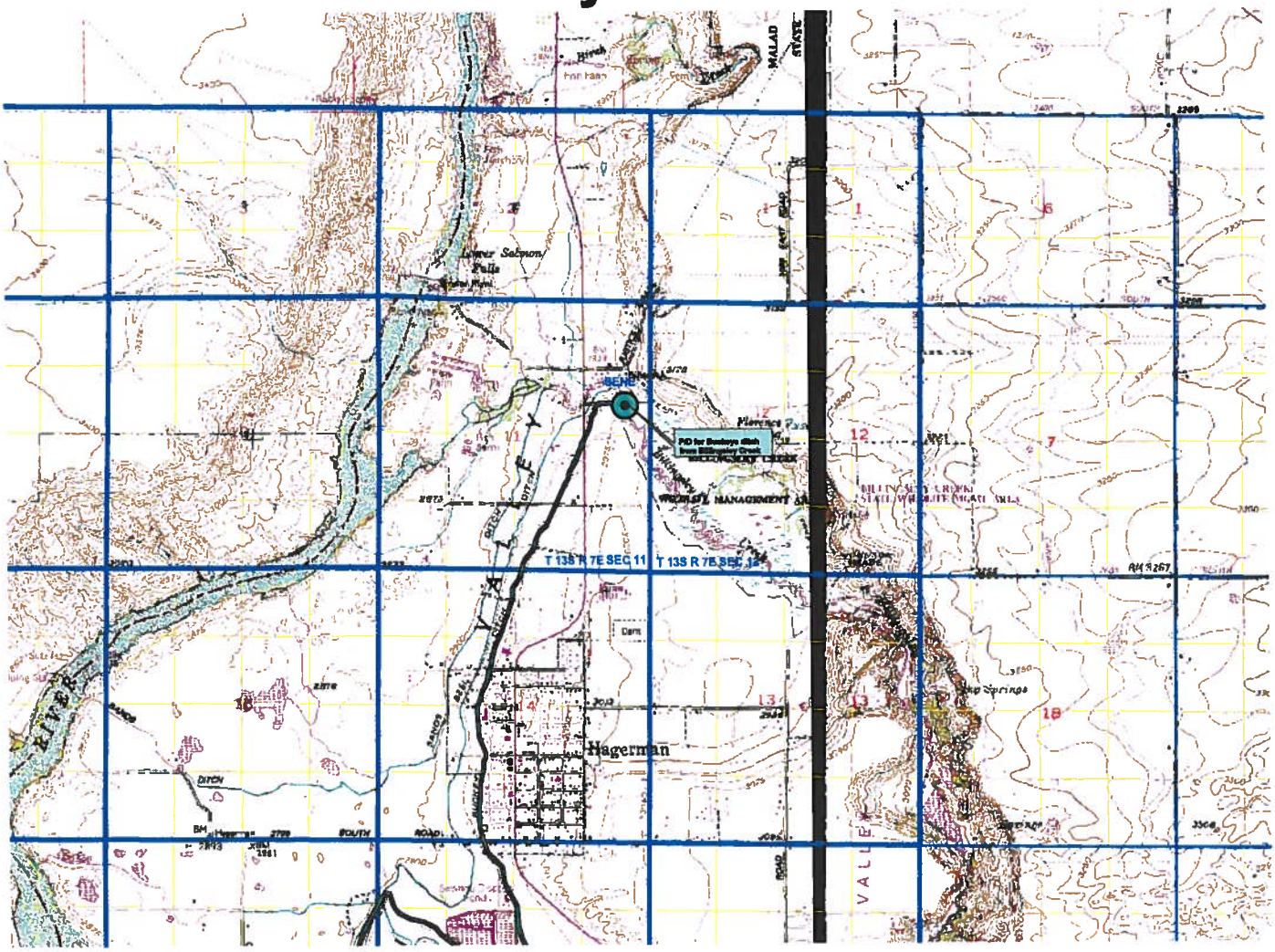


Total number of Acres

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

The above

Buckeye Farms
Point of diversion from Billinglsey Creek
Buckeye Ditch

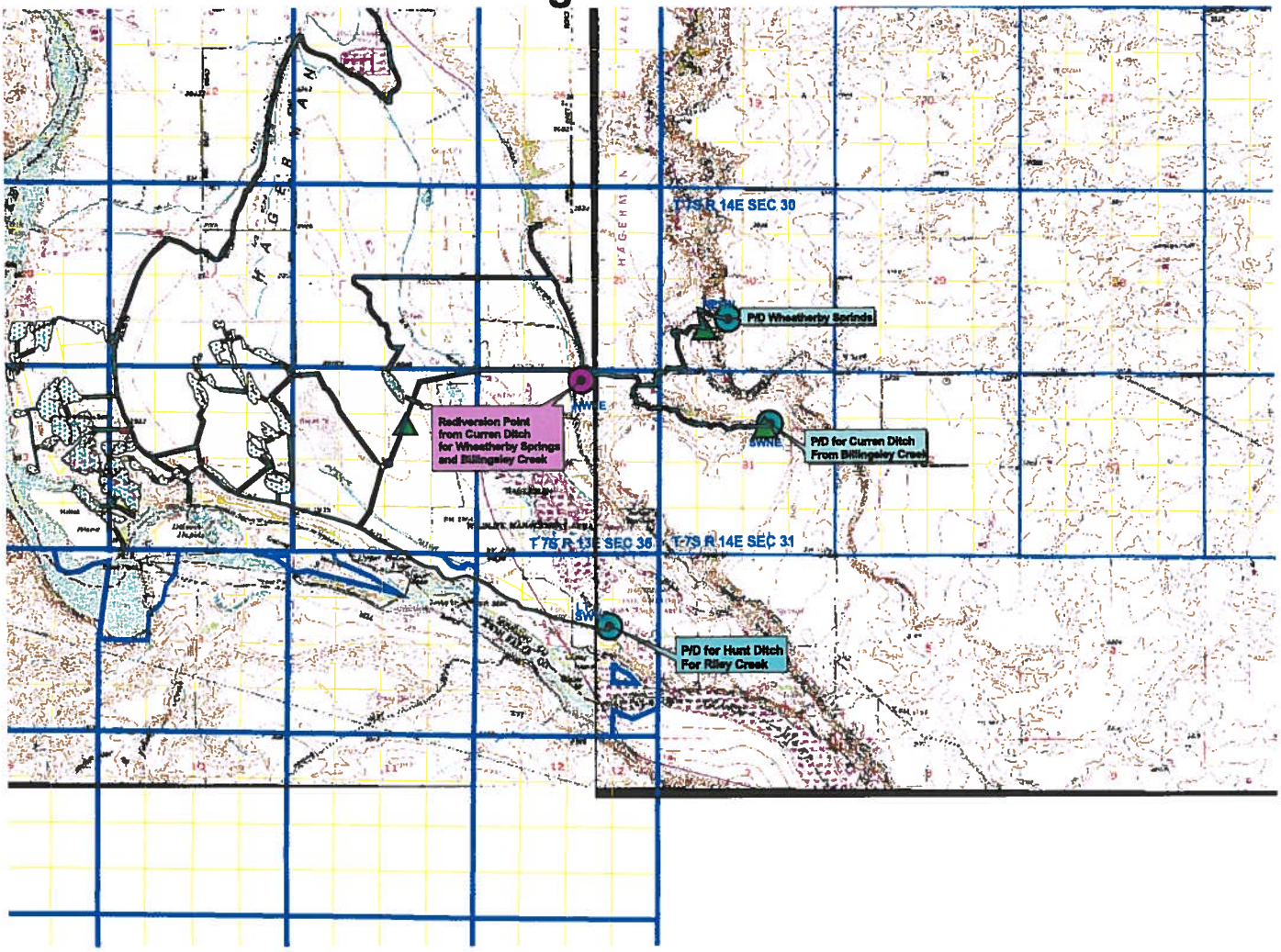


1320 0 1320 2640 3960 5280 Feet

N

1/4 1/4

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

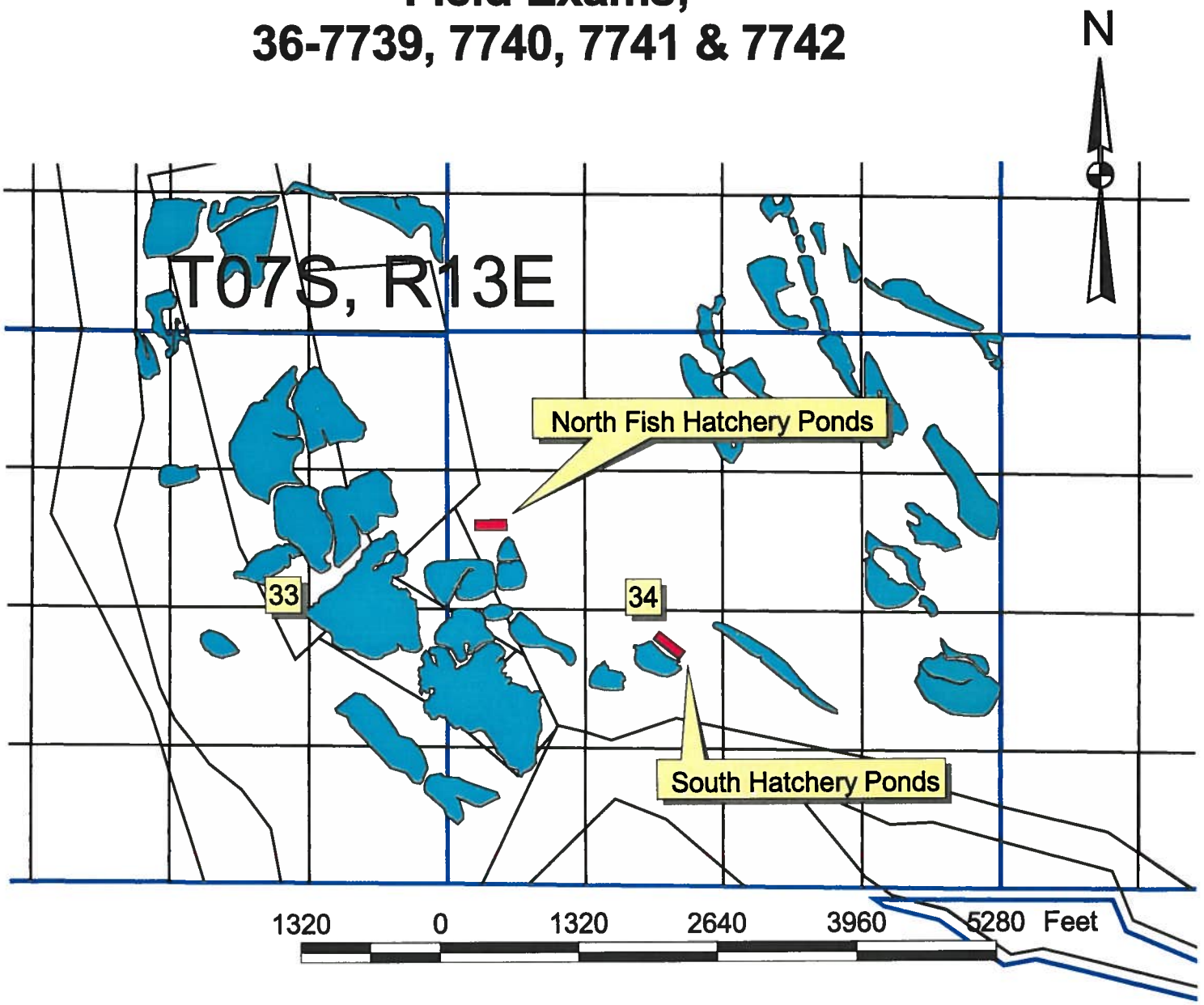


1320 0 1320 2640 3960 5280 Feet

N

1/4 1/4

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

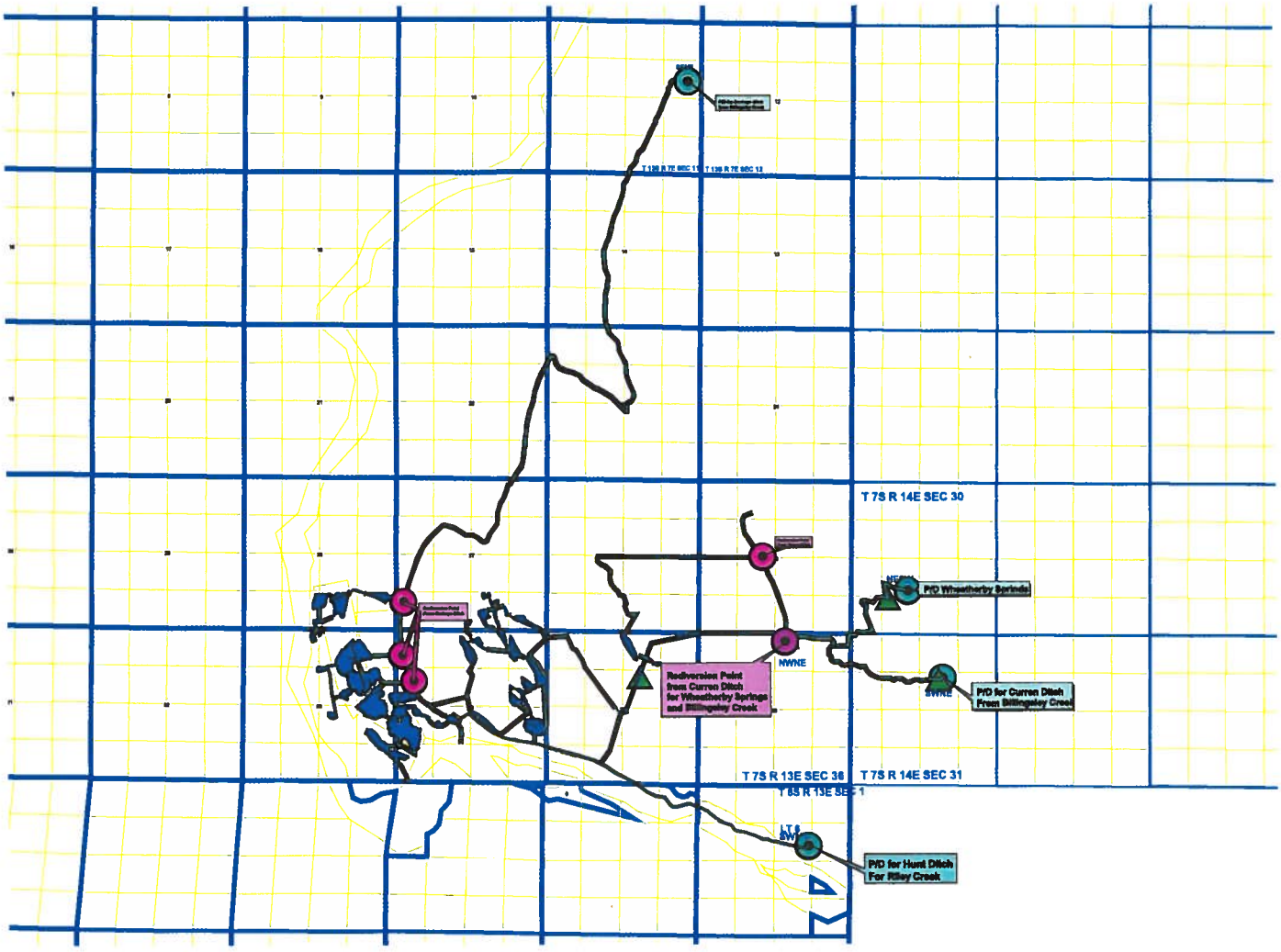


Ponds.shp
Hatchery.shp
T07s13e-sec.shp
T07s13eqq.shp

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

ADM - DN
1/17/01

Buckeye Farms Distribution System



0.3 0 0.3 0.6 0.9 1.2 1.5 1.8 2.1 Miles

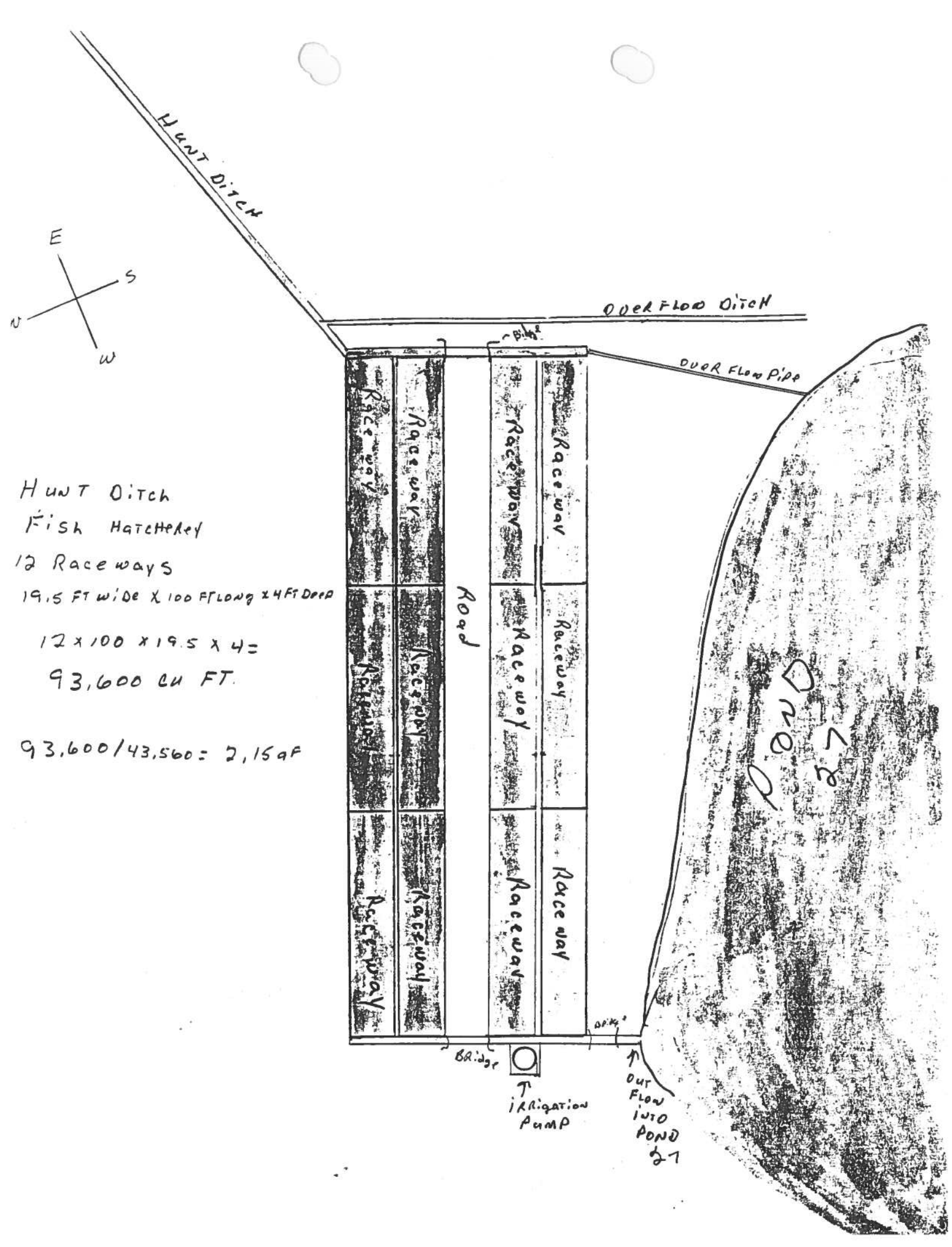
N

Fish Hatcherys

PONDS

Points of Diversion

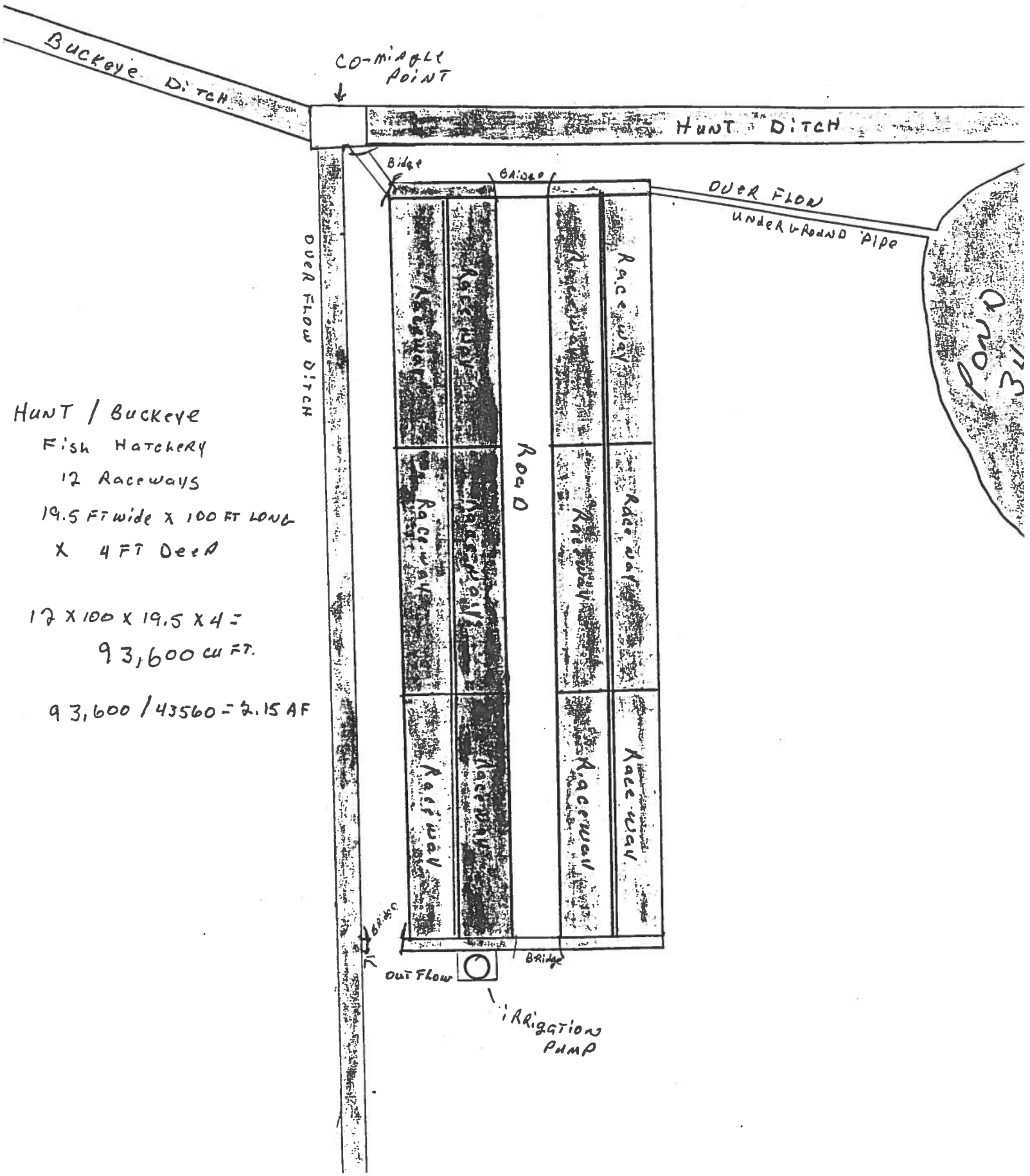
Rediversion points



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

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

93,600 / 43,560 = 2.15 AF



HUNT / BUCKEYE

Fish Hatchery

12 Raceways

19.5 FT wide x 100 FT long

x 4 FT Deep

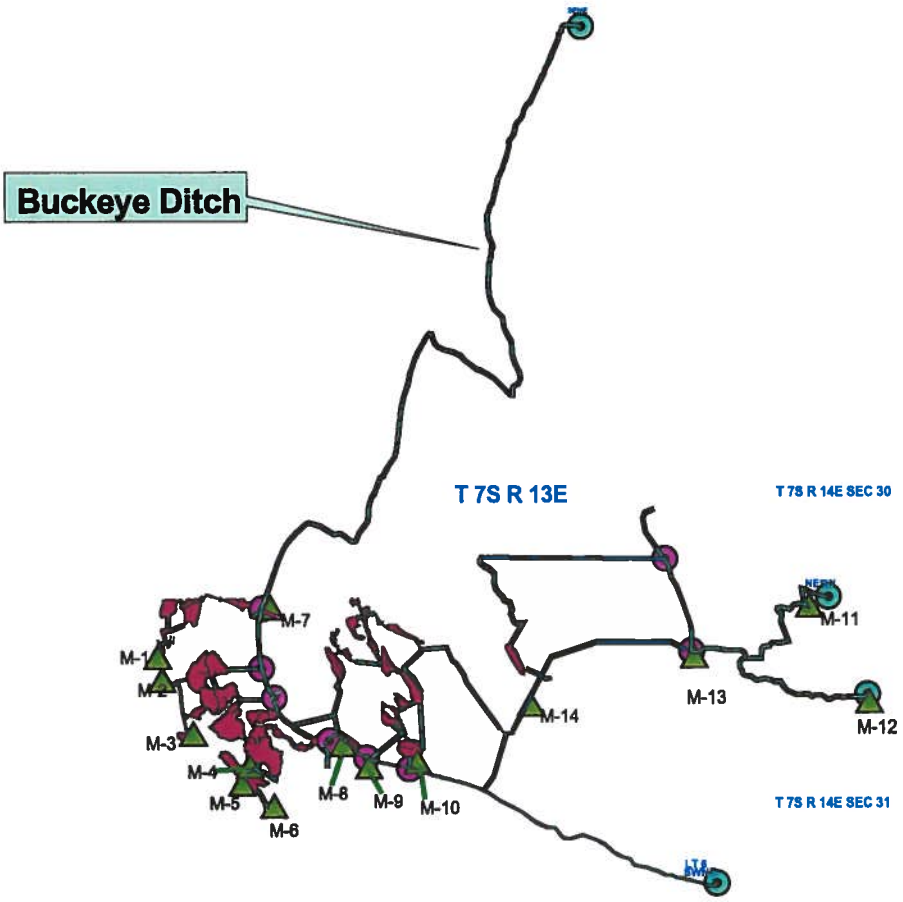
12 x 100 x 19.5 x 4 =

93,600 cu FT.

93,600 / 43560 = 2.15 AF

POINTS MEASURED FOR BUCKEYE FARMS

Billingsley Creek water delivered through Buckeye Ditcfh



1320013 20 Feet

N

▲ POINTS MEASURED

Points of Diversion

Rediversion points

COMMUNICATION DOCUMENTATION

PERMIT NUMBER BUCKEYE FORMS INC.

IDWR EMPLOYEE/AGENT: DAN NELSON **DATE:** 1-6-97

CONTACT PERSON: MARCI PAPE (STATE OFFICE)
PHONE: (208) 327-5450

MAILING ADDRESS: IDWR STATE OFFICE BOISE

SUBSTANCE OF COMMUNICATION:

I WAS TOLD TO TALK WITH MARCI CONCERNING THE BUCKEYE FARMS DIVERSION OF WHEATHERBY SPRINGS BY SHELLY KING OF THE STATE OFFICE. IT SEEMS THAT THE WHEATHERBY DITCH IS LIMITED TO 6.5 CFS TOTAL DIVERSION RATE. BUCKEYE FARMS IS ASKING TO DIVERT THE ENTIRE AMOUNT FOR THEIR VARIOUS USES. I CONTACTED THE STATE OFFICE TO FIND OUT JUST WHO HAD THE RIGHT TO DIVERT THE 6.5 CFS CAPACITY OF THE DITCH. THERE ARE VARIOUS USERS THAT HAVE A 6.5 CFS DIVERSION RATE. MARCI CLAIMED THAT THERE HAD BEEN AN OVERSIGHT BY THE STATE OFFICE AND THAT ALL OF THE WATER USERS HAD A 6.5 DIVERSION RATE AND THE USER THAT HAD THE PRIORITY WAS THE ONE THAT WAS ALLOWED TO USE THE WATER FIRST. WHEN I ASKED HOW MUCH WATER EACH USER WAS ALLOWED TO USE, SHE COULD NOT GIVE ME AN ANSWER. MARCI REFERRED ME TO CARTER FRITSCHLE TO SPEAK WITH HIM ABOUT THIS MATTER AND FIND OUT WHAT RIGHTS ARE AVAILABLE ON THE WHEATHERBY DITCH. CARTER WAS NOT IN AND I WAS TRANSFERRED TO CHARLIE HONSINGER WHO IS SUPPOSED TO CALL BACK (I WILL USE A DIFFERENT COMMUNICATION SHEET FOR THIS CONVERSATION).

MEASUREMENTS INVOLVED WITH BUCKEYE FARMS FIELD EXAMS

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

WHEATHERBY SPRINGS AND BILLINGSLY CREEK WATER THROUGH THE CURREN DITCH:

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

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

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

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

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

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

Wheatherby Springs Diversion Rate = 2.85 cfs

Billingsley Creek Diversion rater at the Curren Ditch = 20.78 cfs

RILEY CREEK DIVERSION AT HUNT DITCH:

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

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

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

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

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

BUCKEYE DITCH MEASUREMENT:

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

Buckeye Ditch measurement = 18.62 cfs.

FISH PROPOGATION FLOW RATE CALCULATIONS:

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

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

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

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

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

CALCULATIONS FOR CONSUMPTIVE USE:

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

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

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

PECENTAGE OF WATER CONSUMED ON THE FARM:

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

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

TOTAL CFS FOR EACH MEASUREMENT

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

PLEASE NOTE: See attached sheets for measuremnt calculations.

Distance	Depth	V[illegible]ty					
4	0	0	0.5	0.15	0.9[illegible]	0.075	0.071625
4.5	0.3	1.91	0.5	0.35	2.48	0.175	0.434
5	0.4	3.05	0.5	0.35	2.61	0.175	0.45675
5.5	0.3	2.17	0.5	0.4	1.98	0.2	0.396
6	0.5	1.79	0.5	0.5	2.115	0.25	0.52875
6.5	0.5	2.44	0.5	0.4	2.26	0.2	0.452
7	0.3	2.08	0.5	0.35	2.06	0.175	0.3605
7.5	0.4	2.04	0.5	0.45	1.125	0.225	0.253125
8	0.5	0.21	0.5	0.45	2.185	0.225	0.491625
8.5	0.4	4.16	0.5	0.2	2.08	0.1	0.208
9	0	0	-9	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0
			0	0	0	0	0

Total CFS
3.652375

BUCKEYE FARMS -- MEASUREMENT #1

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

Total CFS
7.02075

BUCKEYE FARMS -- MEASUREMENT #2

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

Total CFS
15.736

BUCKEYE FARMS -- MEASUREMENT #3

WEIR MEASUREMENT

MEASUREMENT # 4:

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

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

$Q = (3.33)\ (LENGTH)\ (HEAD^{1.5})$

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

FLOWS IN CUBIC FEET PER SECOND (CFS)

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

$Q = (3.33)\ (L)\ (H^{1.5})$

$Q = (3.33)\ (3.85)\ (1.20^{1.5})$ OR $Q = 16.85$ CFS

WEIR MEASUREMENT

MEASUREMENT # 5:

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

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

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

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

FLOWS IN CUBIC FEET PER SECOND (CFS)

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

MEASUREMENT # 6:

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

WEIR FORMULA USED:

SAME AS ON MEASUREMENT # 5

FLOWS IN CUBIC FEET PER SECOND (CFS)

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

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

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

WEIR MEASUREMENT

BUCKEYE DITCH MEASUREMENT #7:

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

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

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

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

FLOWS IN CUBIC FEET PER SECOND (CFS)

TOTAL AMOUNT OF WATER IN BUCKEYE DITCH:

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

HUNT/BUCKEYE FISH HATCHERY PORTION OF BUCKEYE DITCH WATER:

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

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

WEIR MEASUREMENT

MEASUREMENT: #8 AND #9

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

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

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

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

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

FLOWS IN CUBIC FEET PER SECOND (CFS)

MEASUREMENT # 9:

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

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

MEASUREMENT # 8:

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

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

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

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

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

WEIR MEASUREMENT

MEASUREMENT: #10

WHEATHERBY/CURREN DISCHARGE INTO HUNT DITCH FROM POND # 25

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

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

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

FLOWS IN CUBIC FEET PER SECOND (CFS)

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

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

TOTAL DISCHARGE OF WHEATHERBY/CURREN WATER INTO HUNT DITCH:

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

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

WEIR MEASUREMENT

MEASUREMENT: #11

WHEATHERBY P/D

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

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

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

FLOWS IN CUBIC FEET PER SECOND (CFS)

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

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

WEIR MEASUREMENT

MEASUREMENT: #12

CURREN P/D

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

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

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

FLOWS IN CUBIC FEET PER SECOND (CFS)

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

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

WEIR MEASUREMENT

MEASUREMENT: #13

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

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

PLEASE NOTE: THERE WILL BE TWO MEASUREMENTS CALCULATED.

WEIR FORMULA USED:

THE FOLLOWING WEIR FORMULA

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

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

FLOWS IN CUBIC FEET PER SECOND (CFS)

BUCKEYE FARMS PORTION OF SPLIT:

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

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

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

OTHER USERS PORTION OF SPLIT:

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

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

POLYSONIC READINGS

PERMIT #: MEASUREMENT #14

WHEATHERBY/CURREN PIPELINE

FIRST SET OF INFORMATION:

SET - UP IMPUTE DATA USED DURING PREPARATION FOR FLOW MEASUREMENTS

SECOND SET OF INFORMATION:

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

FLOWS IN GALLONS PER MINUTE (GPM)

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

117410 / 11 = 10673.64 GPM

10673.64 / 448.8 = 23.78 CFS

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

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

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

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

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

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

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

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

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

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

13:38+  1.068E 4GPM  30H
      +00672 *10 G   00R
```

1ST SET OF INFORMATION

```
MODE SELECT
        INPUT

OUTER DIAMETER
29.9311   IN

PIPE MATERIAL
?       CS,SS

WALL THICKNESS
0.3780    IN

INNER LINING
?       NO LING.

KIND OF FLUID
?       WATER

SENSOR MOUNTING
?       Z

TYPE OF SENSOR
?       SMALL

DATA CHANGE
?       NO

DATA CHANGE    ER
?       NO

SPACING
12.550    IN Z

MODE SELECT
        T0 CHECK

0556.1   MMSEC
102.02   % T0

01-28 13:4100 *R
+001.90 %  AI2
```

SECOND SET OF INFORMATION

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 13, 1996

Dan Yore
Bar-S Ditch
18335 US Highway 30
Hagerman, ID 83332-5630

Re: 1996 Water Measurement Report Forms - Bar-S Ditch

Dear Mr. Yore:

Thank you for promptly returning the 1995 water measurement report form(s). The reports which you submitted were complete and met the Departments's minimum measurement and reporting guidelines. The Department appreciates your diligent effort and cooperation.

I assume that you have taken the responsibility for submitting Bar-S Ditch water measurement reports since the report was submitted in an envelope with your return address. I noted however that Verl and Alice Bell submitted the report fee. Please note that I have updated my records to show you as as the contact person for the Bar-S Ditch. If this is incorrect, please contact me as soon as possible.

Enclosed is a new report form for calendar year 1996. This report form must be completed during 1996 and returned to the Department on or before January 15, 1997. Please note the the 1996 reporting period is from January 1 through December 31. If your diversion is for non-irrigation uses or is a year-round diversion, then you must immediately begin recording diversions, including any diversions between January 1 and the time which you receive this report. If your diversion operates for only part of the year, please record measurements for that period.

I want to inform you that I did make a current meter measurement on the ditch just below the weir and Jones hatchery on December 13, 1995. The current meter measurement was 4.93 cfs, while the weir measurement, using a table for standard contracted rectangular weir, was 5.43 cfs. The weir measurement therefore is about +10 percent above the flow as measured by the current meter. The ditch is difficult to meter because it is rather wide and shallow for the normal range of flows, thus the velocity is rather low across much of the channel. Given these conditions, the current meter measurement is fair at best and will have some inherent error. The weir measurement therefore is considered acceptable based on the one-time field calibration measurements.

I would suggest that the weir be measured using a table for a five foot contracted rectangular weir, rather than a 5 foot

form sw-1
3/95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 18 1996
Department of Water Resources

WATER MEASUREMENT REPORT FORM FOR OPEN CHANNEL MEASUREMENT

1995 Reporting Form

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

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

This report form may be used for the following diversion:

Diversion Name or Facility: BAR-S DITCH
Water Source: WEATHERBY SPRINGS
Water Right(s) Owner or Contact:
(owner name(s) may be omitted if there are multiple owners on same diversion)

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

Current Owner
Name_____ Phone_____
Last, First, MI

Address_____ Fax_____

City_____ State & Zip_____

Original Owner (if sold within last year)
Name _____ Phone_____
Last, First, MI

Address_____ Fax_____

City_____ State & Zip_____

Operator or Contact Person
Name_____ Phone_____
Last, First, MI

Address_____ Fax_____

City_____ State & Zip_____

SECTION 3. Measuring Device Information

A. Type & Description of Measuring Device(s): STANDARD SUPPRESSED RECTANGULAR WEIR

LENGTH 60" ✓

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

SECTION 4. Certification

I hereby certify ... is correct to the best of my knowledge an ... l submittal of false or inaccurate data ... o the penalty provisions of Sections 42-... ode.

Multiple Shareholders

Signature

Date

Note: Each repo ... d by a report processing fee in the amou ... diversion made payable to the Idaho Depa ... ection 42-701(6), Idaho Code). All dome ... n 42-111, Idaho Code, and all stockwateri ... 42-1401A(12), Idaho Code, are exempt from ... irements.

For Department Use Only

Received by _____ Date _____ Time _____

Fee amount submitted 20.00 Correct? yes _____ no _____

Receipted by JW Receipt No. check 10.00 C034580 and cash 10.00 595

Data Entry by _____ Date 1-18-96

Total Annual Flow (CFS) _____

Total Annual Volume (Acre-Feet) _____

50.1 70.1
74.3 84.1
11.7 79.3
131.1
364.6

CALCULATIONS FOR BASIN 36 SW OPEN
CHANNEL DIVERSION LOG SHEETS
IDWR CALCULATIONS FOR ANNUAL/SEASONAL VOLUME
BAR-S DITCH 3/1 - 12/31, 1995

CFS	AF CON	DAYS	AF
4.21	1.9835	8	66.80
6.24		7	86.64
5.89		7	81.78
6.06		7	84.14
5.71		7	79.28
6.61		21	275.33
6.43		7	89.28
6.98		9	124.60
8.31		5	82.41
6.43		14	178.55
6.61		9	118.00
6.43		12	153.05
6.06		14	168.28
6.43		7	89.28
6.61		28	367.11
6.79		7	94.28
6.43		7	89.28
6.79		14	188.55
6.61		15	196.66
6.98		6	83.07
6.79		14	188.55
7.17		7	99.55
5.71		7	79.28
5.89		33	385.53
6.06		9	108.18
5.71		3	33.98
		284	3591.444

OVERLAP REVIEW FOR BUCKEYE FARMS

HUNT DITCH

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

BUCKEYE DITCH

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



WHEATHERBY SPRINGS

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

BILLINGSLEY CREEK

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

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

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	1 212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E34																	0
Right	1 213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO,	SNAKE RIVER	07S13E34																	0
Right	1 215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E34																	0
Right	1 220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	07S13E34																	0
Claim	2 33	IDAHO POWER CO,	SNAKE RIVER	07S13E34											1	10					11
Claim	2 36	IDAHO POWER CO,	SNAKE RIVER	07S13E34											3						3
Claim	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	40	40	40	40	40	40	40			20	5	40	40	10	20	455
Rec	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	38	40	38	40	34	31	39	7	10			13	17			347
Right	36 1	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	38	40	38	40	34	31	39	7	10			13	17			347
Right	36 136	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34								X							X	X	0
Right	36 137	IDAHO POWER CO,	RILEY CREEK	07S13E34								X							X	X	0
Right	36 167	MORTON REALTY CO LTD,	SPRINGS	07S13E34	X			X													0
Right	36 194	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34								X							X	X	0
Right	36 195	IDAHO POWER CO,	RILEY CREEK	07S13E34								X							X	X	0
Claim	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	40	40	40	40	40	40	40			20	5	40	40	10	20	455
Rec	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	38	40	38	40	34	31	39	7	10			13	17			347
Right	36 2	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34	40	38	40	38	40	34	31	39	7	10			13	17			347
Right	36 2046	IDAHO POWER CO,	RILEY CREEK	07S13E34																10	10
Claim	36 2478	IDAHO POWER CO,	TUCKER SPRINGS	07S13E34												X					0
Claim	36 2478	IDAHO POWER CO,	TUCKER SPRINGS	07S13E34												X					0
Rec	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Rec	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Rec	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Right	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Right	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Right	36 2478	IDAHO POWER CO,	UPPER TUCKER SPRINGS	07S13E34											X						0
Right	36 3	NEW INTERNATIONAL MORTGAGE BANK,	BILLINGSLEY CREEK	07S13E34	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	0
Claim	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34						5	20			30	10						65
Rec	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34						2	15			10							27
Right	36 3H	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34						2	15			10							27
Permit	36 7739	BUCKEYE FARMS INC,		07S13E34							X										0
Permit	36 7740	BUCKEYE FARMS INC,	WEATHERBY SPRINGS	07S13E34							X										0
Permit	36 7741	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34							X										0
Permit	36 7742	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34							X										0
Permit	36 8335	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34										X	X						0
Right	36 8424	BUCKEYE FARMS INC,	GROUND WATER	07S13E34							X										0
Permit	36 8728	BUCKEYE FARMS INC,	WEATHERBY SPRINGS	07S13E34	X	X	X				X	X		X	X						0
Permit	36 8729	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34									X	X	X		X	X			0
Permit	36 8730	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34	X	X	X				X	X		X	X						0
App	36 8783	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34	X	X	X	X	X		X	X	X	X	X		X	X			0
App	36 8783	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34	X	X	X	X	X		X	X	X	X	X		X	X			0
App	36 8783	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34							X		X								0
App	36 8784	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34							X										0
App	36 8784	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34							X			X	X						0
App	36 8784	BUCKEYE FARMS INC,	BILLINGSLEY CREEK	07S13E34							X			X	X						0
App	36 8785	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34							X		X	X	X		X	X			0
App	36 8785	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34							X		X								0
App	36 8785	BUCKEYE FARMS INC,	RILEY CREEK	07S13E34							X		X	X	X		X	X			0

Idaho Dept. of Water Resources
Place of Use Comparison Report

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

Idaho Dept. of Water Resources
Place of Use Comparison Report

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

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	86	H	Decreed	Active	1888-02-01	0.05	WEATHERBY SPRINGS	DOMESTIC, IRRIGATION	TORGRIMSON, DONALD L (Current); TORGRIMSON, JANICE M (Current)	Water Right
36	105		Decreed	Active	3/8/1902	1	WEATHERBY SPRINGS	IRRIGATION, STOCKWATER	SMITH, RONNIE D (Current); SMITH, SHARLENE (Current)	Water Right
36	116		Decreed	Active	12/12/1901	1.14	HOAGLAND TUNNEL	IRRIGATION	MUSSER, J ALVIN (Current); MUSSER, TIM (Current)	Water Right
36	118		Decreed	Active	12/12/1901	0.1	WEATHERBY SPRINGS	IRRIGATION	VADER, EARL (Current); VADER, ETHEL (Current)	Water Right
36	119		Decreed	Active	12/12/1901	0.2	HOAGLAND TUNNEL	IRRIGATION	LITTLEFAIR, LARRY J (Current); LITTLEFAIR, TARA G (Current)	Water Right
36	120		Decreed	Active	7/8/1915	0.5	HOAGLAND TUNNEL	IRRIGATION	LITTLEFAIR, LARRY J (Current); LITTLEFAIR, TARA G (Current)	Water Right
36	2029		License	Active	4/5/1921	14.4	JONES SPRING	DOMESTIC, IRRIGATION	MC CARTY, JOHN (Current)	Water Right
36	7071		License	Active	7/8/1969	73.05		FISH PROPAGATION	JONES & SANDY LIVESTOCK CO (Current)	Water Right
36	15157		Decreed	Active	3/8/1902	1.2	WEATHERBY SPRINGS	IRRIGATION, STOCKWATER	HOSKOVEC, BARBARA (Current); HOSKOVEC, STANLEY E (Current)	Water Right
36	15454		Decreed	Active	1/10/1917	0.17	WEATHERBY SPRINGS	IRRIGATION, STOCKWATER	MAVENCAMP, V JOHN (Current); MAVENCAMP, VERNON J (Current)	Water Right
36	15461		Decreed	Active	3/23/1932	0.4	WEATHERBY SPRINGS	IRRIGATION	HOSKOVEC, BARBARA (Current); HOSKOVEC, STANLEY E (Current)	Water Right
36	7740			Active	8/1/1977	10	WEATHERBY SPRINGS	FISH PROPAGATION	BUCKEYE FARMS INC (Current)	Water Permit

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	8686			Active	11/2/1992	0.02	WEATHERBY SPRINGS	DOMESTIC	ANDERSON, HALLIE (Current); GRANT, BLAKE F (Current)	Water Permit
36	8728			Active	9/24/1987	6.5	WEATHERBY SPRINGS	AESTHETIC, RECREATION, WILDLIFE	BUCKEYE FARMS INC (Current)	Water Permit
36	15			Active	3/8/1902	6.5	WEATHERBY SPRINGS	IRRIGATION	BUCKEYE FARMS INC (Current)	xr From Water Right List
36	15			Active	3/8/1902	6.5	WEATHERBY SPRINGS	IRRIGATION	BUCKEYE FARMS (Current)	xr To Water Right List

Curren Ditch Diversion from Wheatherby Springs

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	11	A	Decreed	Active	3/8/1902	0.8	WEATHERBY SPRINGS	IRRIGATION	JENSEN, DARRELL W (Current); JENSEN, DEE ANNA (Current)	Adjudication Claim
36	11	B	Decreed	Active	3/8/1902	0.5	WEATHERBY SPRINGS	IRRIGATION	LORANGER, BEVERLY B (Current); LORANGER, GENE E (Current)	Adjudication Claim
36	11	C	Decreed	Active	3/8/1902	0.5	WEATHERBY SPRINGS	IRRIGATION	GUSTAFSON, IVAN (Current)	Adjudication Claim
36	33	C	Decreed	Active	3/8/1902	3	WEATHERBY SPRINGS	IRRIGATION	ELLIS, CONSTANCE L (Current); ELLIS, LEROY E (Current)	Adjudication Claim
36	33	D	Decreed	Active	3/8/1902	0.09	WEATHERBY SPRINGS	IRRIGATION	SAUER, ROY E (Current); SAUER, VIVA (Current)	Adjudication Claim
36	33	E	Decreed	Active	3/8/1902	0.75	WEATHERBY SPRINGS	IRRIGATION	REA, EDNA M (Current)	Adjudication Claim
36	35	E	Decreed	Active	3/8/1902	0.24	WEATHERBY SPRINGS	IRRIGATION	BROWN, KATHLEEN (Current); BROWN, LLOYD (Current)	Adjudication Claim
36	35	F	Decreed	Active	3/8/1902	0.06	WEATHERBY SPRINGS	IRRIGATION	COVEY HERITAGE (Current)	Adjudication Claim
36	35	G	Decreed	Active	3/8/1902	0.02	WEATHERBY SPRINGS	IRRIGATION	VARGO, JANANNE (Current)	Adjudication Claim
36	41	A	Decreed	Active	12/12/1901	0.04	HOAGLAND TUNNEL	IRRIGATION	DICE, JUDITH A (Current); DICE, PHILIP F (Current)	Adjudication Claim
36	41	B	Decreed	Active	12/12/1901	0.02	HOAGLAND TUNNEL	DOMESTIC	OMOHUNDRO, NEVADA B (Current)	Adjudication Claim

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	41	F	Decreed	Active	12/12/1901	0.03	HOAGLAND TUNNEL	IRRIGATION	MORELAND, MARY L (Current); MORELAND, RODNEY D (Current)	Adjudication Claim
36	41	G	Decreed	Active	12/12/1901	0.48	HOAGLAND TUNNEL	IRRIGATION	GRIDLEY, DORIS M (Current)	Adjudication Claim
36	41	H	Decreed	Active	12/12/1901	0.03	HOAGLAND TUNNEL	IRRIGATION	DICE, JUDITH A (Current); DICE, PHILIP F (Current)	Adjudication Claim
36	44		Decreed	Active	3/8/1902	0.7	WEATHERBY SPRINGS	IRRIGATION	OMOHUNDRO, NEVADA B (Current)	Adjudication Claim
36	60		Decreed	Active	12/12/1901	0.5	HOAGLAND TUNNEL	IRRIGATION	BROOKS, ALLEN L (Current); BROOKS, ANDREE G (Current)	Adjudication Claim
36	61		Decreed	Active	12/12/1901	2.22	SPRINGS	DOMESTIC, IRRIGATION, STOCKWATER	MORRIS, HOWARD L (Current); MORRIS, RHONDA K (Current)	Adjudication Claim
36	62		Decreed	Active	5/1/1912	0.28	SPRINGS	DOMESTIC, IRRIGATION, STOCKWATER	MORRIS, HOWARD L (Current); MORRIS, RHONDA K (Current)	Adjudication Claim
36	63		Decreed	Active	11/1/1915	0.8	SPRINGS	DOMESTIC, IRRIGATION, STOCKWATER	MORRIS, HOWARD L (Current); MORRIS, RHONDA K (Current)	Adjudication Claim
36	68		Decreed	Active	1888-02-01	12.5	WEATHERBY SPRINGS	DOMESTIC, FISH PROPAGATION, IRRIGATION, STOCKWATER	JONES JR, JOHN W (Current); JONES, DELORIS D (Current)	Adjudication Claim
36	69		Decreed	Active	1888-02-01	1	HOAGLAND TUNNEL , WEATHERBY SPRINGS	DOMESTIC, FISH PROPAGATION, IRRIGATION, STOCKWATER	JONES JR, JOHN W (Current); JONES, DELORIS D (Current)	Adjudication Claim

Idaho Dept. of Water Resources
Place of Use Comparison Report

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

Right	36 10618	TINA I HOFFMAN, DENNIS N HOFFMAN,	GROUND WATER	07S13E27		X															0
Claim	36 10622	ROY E SAUER, VIVA SAUER,	GROUND WATER	07S13E27	X																0
Claim	36 10622	ROY E SAUER, VIVA SAUER,	GROUND WATER	07S13E27	X																0
Right	36 10622	VIVA SAUER, ROY E SAUER,	GROUND WATER	07S13E27	X																0
Right	36 10622	VIVA SAUER, ROY E SAUER,	GROUND WATER	07S13E27	X																0
Claim	36 11069	HARRY R GISLER,	GROUND WATER	07S13E27						X											0
Right	36 11069	HARRY R GISLER,	GROUND WATER	07S13E27						X											0
Claim	36 11C	IVAN GUSTAFSON,	WEATHERBY SPRINGS	07S13E27				9										9			18
Rec	36 133	BIG BEND IRRIGATION & MINING CO,	UPPER TUCKER SPRINGS	07S13E27	18	7	25	22										12	15		99
Claim	36 133	BIG BEND IRRIGATION & MINING CO,	UPPER TUPPER SPRINGS	07S13E27	29		40	40										40			149
Claim	36 15104	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Claim	36 15104	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Right	36 15104	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Right	36 15104	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Claim	36 15106	PETE VEENSTRA JR,	GROUND WATER	07S13E27	X																0
Right	36 15106	PETE VEENSTRA JR,	GROUND WATER	07S13E27	X																0
Claim	36 15457	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Right	36 15457	IVAN GUSTAFSON,	GROUND WATER	07S13E27				X													0
Claim	36 15479	WILLIAM B SHAPPEE,	GROUND WATER	07S13E27	X																0
Rec	36 15479	WILLIAM B SHAPPEE,	GROUND WATER	07S13E27	X																0
Claim	36 15525	GUSTAFSON FAMILY TRUST,	WASTEWATER	07S13E27														3	29		32
Rec	36 15663	WILLIAM B SHAPPEE,	WEATHERBY SPRINGS	07S13E27	0.25																0.25
Claim	36 15664	GWENDOLYN PEARSON TZANAKAKIS, NIKO TZANAKAKIS,	WEATHERBY SPRINGS	07S13E27	5.7																5.7
Right	36 19	HARLAN BELL,	BILLINGSLEY CREEK	07S13E27							X			X							0
Claim	36 192	BIG BEND IRRIGATION & MINING CO,	LOWER TUCKER SPRINGS	07S13E27	29		40	40										40			149
Rec	36 192	BIG BEND IRRIGATION & MINING CO,	LOWER TUCKER SPRINGS	07S13E27	18	7	25	22										12	15		99
Claim	36 19A	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								24									24
Claim	36 19A	KATHY L BABINGTON, LYNN J BABINGTON,	BILLINGSLEY CREEK	07S13E27								X									0
Claim	36 19B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							30				9						39
Claim	36 19B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							X										0
Rec	36 19B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							24				9						33
Rec	36 19B	KINGSTON PROPERTIES LP,	BILLINGSLEY CREEK	07S13E27							X										0
Claim	36 19C	DOYT H SIMCOE, ROXIE J SIMCOE,	BILLINGSLEY CREEK	07S13E27									40		18						58
Claim	36 19C	DOYT H SIMCOE, ROXIE J SIMCOE,	BILLINGSLEY CREEK	07S13E27									X		X						0
Claim	36 19D	RAYBURN B MC CLURE,	BILLINGSLEY CREEK	07S13E27											10						10
Rec	36 19D	RAYBURN B MC CLURE,	BILLINGSLEY CREEK	07S13E27											8.5						8.5
Right	36 20	HARLAN BELL,	RILEY CREEK, UPPER TUCKER SPRINGS	07S13E27							X				X						0
Claim	36 2007	BIG BEND IRRIGATION & MINING CO,	UPPER TUCKER SPRINGS	07S13E27	29		40	40										40			149
Right	36 2029	JOHN MC CARTY,	JONES SPRING	07S13E27	40			40										40			120
Rec	36 21	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27						X											0
Rec	36 21	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27						32											32
Right	36 21	LEO BELL, GLENN BELL, MRS E M BELL,	BILLINGSLEY CREEK	07S13E27						X											0
Claim	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27						X											0
Claim	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27						40											40
Rec	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27						X											0
Rec	36 21B	HARRY R GISLER,	BILLINGSLEY CREEK	07S13E27						32											32
TClaim	36 24B	ORLAND PETERSON,	BILLINGSLEY CREEK	07S13E27					31												31
Right	36 3	NEW INTERNATIONAL MORTGAGE BANK,	BILLINGSLEY CREEK	07S13E27			X				X	X	X	X					X		0

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

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

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

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	86	B	Decreed	Active	1888-02-01	0.02	WEATHERBY SPRINGS	DOMESTIC	ANDERSON, HALLIE (Current)	Adjudication Claim
36	86	C	Decreed	Active	1888-02-01	1.6	WEATHERBY SPRINGS	DOMESTIC, IRRIGATION	FUELL, JOLENE (Current); FUELL, KEITH L (Current)	Adjudication Claim
36	86	D	Decreed	Active	1888-02-01	0.06	WEATHERBY SPRINGS	DOMESTIC, IRRIGATION	SMITH, LANDON H (Current); SMITH, MARGUERITTE S (Current)	Adjudication Claim
36	86	E	Decreed	Active	1888-02-01	0.02	WEATHERBY SPRINGS	DOMESTIC	KNOTT, NANCY J (Current); KNOTT, STEVEN T (Current)	Adjudication Claim
36	86	F	Decreed	Active	1888-02-01	0.02	WEATHERBY SPRINGS	DOMESTIC	HENDRIX, ALLEN E (Current); HENDRIX, FRANCES (Current)	Adjudication Claim
36	86	G	Decreed	Active	1888-02-01	0.2	WEATHERBY SPRINGS	DOMESTIC, IRRIGATION	HURST, KAY L (Current); HURST, RONALD E (Current)	Adjudication Claim
36	86	H	Decreed	Active	1888-02-01	0.12	WEATHERBY SPRINGS	DOMESTIC, IRRIGATION	TORGRIMSON, DONALD L (Current); TORGRIMSON, JANICE M (Current)	Adjudication Claim
36	105		Decreed	Active	3/8/1902	1	WEATHERBY SPRINGS	IRRIGATION, STOCKWATER	SMITH, RONNIE D (Current); SMITH, SHARLENE (Current)	Adjudication Claim
36	116		Decreed	Active	12/12/1901	1.61		IRRIGATION	MUSSER, J ALVIN (Current); MUSSER, TIM (Current)	Adjudication Claim
36	119		Decreed	Active	12/12/1901	0.2	WEATHERBY SPRINGS	IRRIGATION	LITTLEFAIR, LARRY J (Current); LITTLEFAIR, TARA G (Current)	Adjudication Claim
36	120		Decreed	Active	7/8/1915	0.5	WEATHERBY SPRINGS	IRRIGATION	LITTLEFAIR, LARRY J (Current); LITTLEFAIR, TARA G (Current)	Adjudication Claim

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	198	A	Decreed	Active	4/4/1910	0.4	WEATHERBY SPRINGS	IRRIGATION	HOSKOVEC, BARBARA (Current); HOSKOVEC, STANLEY E (Current)	Adjudication Claim
36	7071		License	Active	7/8/1969	73.05		FISH PROPAGATION	JONES JR, JOHN W (Current); JONES, DELORIS D (Current)	Adjudication Claim
36	10385		Decreed	Active	12/12/1901	0.1	HOAGLAND TUNNEL	IRRIGATION	BYBEE, GERTRUDE B OWSLEY (Current)	Adjudication Claim
36	10386		Decreed	Active	4/4/1910	0.16	WEATHERBY SPRINGS	IRRIGATION	BYBEE, GERTRUDE B OWSLEY (Current)	Adjudication Claim
36	15157		Decreed	Active	3/8/1902	1.2	WEATHERBY SPRINGS	IRRIGATION, STOCKWATER	HOSKOVEC, BARBARA (Current); HOSKOVEC, STANLEY E (Current)	Adjudication Claim
36	15461		Beneficial Use	Active	4/4/1910	0.4	WEATHERBY SPRINGS	IRRIGATION	HOSKOVEC, BARBARA (Current); HOSKOVEC, STANLEY E (Current)	Adjudication Claim
36	15664		Decreed	Active	3/8/1902	0.24	WEATHERBY SPRINGS	IRRIGATION	TZANAKAKIS, GWENDOLYN PEARSON (Current); TZANAKAKIS, NIKO (Current)	Adjudication Claim
36	11	A	Decreed	Active	3/8/1902	0.8	WEATHERBY SPRINGS	IRRIGATION	JENSEN, DARRELL W (Current); JENSEN, DEE ANNA (Current)	Adjudication Recommendation
36	11	B	Decreed	Active	3/8/1902	0.5	WEATHERBY SPRINGS	IRRIGATION	LORANGER, BEVERLY B (Current); LORANGER, GENE E (Current)	Adjudication Recommendation
36	15		Decreed	Active	3/8/1902	6.5	WEATHERBY SPRINGS	IRRIGATION	BUCKEYE FARMS INC (Current)	Adjudication Recommendation
36	33	D	Decreed	Active	3/8/1902	0.09	WEATHERBY SPRINGS	IRRIGATION	SAUER, ROY E (Current); SAUER, VIVA (Current)	Adjudication Recommendation

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	33	E	Decreed	Active	3/8/1902	0.75	WEATHERBY SPRINGS	IRRIGATION	REA, EDNA M (Current)	Adjudication Recommendation
36	33	F	Decreed	Active	3/8/1902	0.75	WEATHERBY SPRINGS	IRRIGATION	GUSTAFSON FAMILY TRUST (Current)	Adjudication Recommendation
36	33	G	Decreed	Active	3/8/1902	0.25	WEATHERBY SPRINGS	IRRIGATION	STRINGER, GENEVIEVE R (Current); STRINGER, GEORGE M (Current)	Adjudication Recommendation
36	33	L	Decreed	Active	3/8/1902	0.43	WEATHERBY SPRINGS	IRRIGATION	HOSKOVEC, BETTY B (Current)	Adjudication Recommendation
36	33	M	Decreed	Active	3/8/1902	0.32	WEATHERBY SPRINGS	IRRIGATION	SKAAR, KENT (Current)	Adjudication Recommendation
36	41	A	Decreed	Active	12/12/1901	0.02	HOAGLAND TUNNEL	IRRIGATION, STOCKWATER	DICE, JUDITH A (Current); DICE, PHILIP F (Current)	Adjudication Recommendation
36	41	C	Decreed	Active	12/12/1901	0.08	HOAGLAND TUNNEL	IRRIGATION	BYBEE, GERTRUDE B OWSLEY (Current)	Adjudication Recommendation
36	41	E	Decreed	Active	12/12/1901	0.51	HOAGLAND TUNNEL	IRRIGATION		Adjudication Recommendation
36	41	F	Decreed	Active	12/12/1901	0.03	HOAGLAND TUNNEL	IRRIGATION	MORELAND, MARY L (Current); MORELAND, RODNEY D (Current)	Adjudication Recommendation
36	41	G	Decreed	Active	12/12/1901	0.48	HOAGLAND TUNNEL	IRRIGATION	GRIDLEY, DORIS M (Current)	Adjudication Recommendation
36	41	H	Decreed	Active	12/12/1901	0.03	HOAGLAND TUNNEL	IRRIGATION	DICE, JUDITH A (Current); DICE, PHILIP F (Current)	Adjudication Recommendation

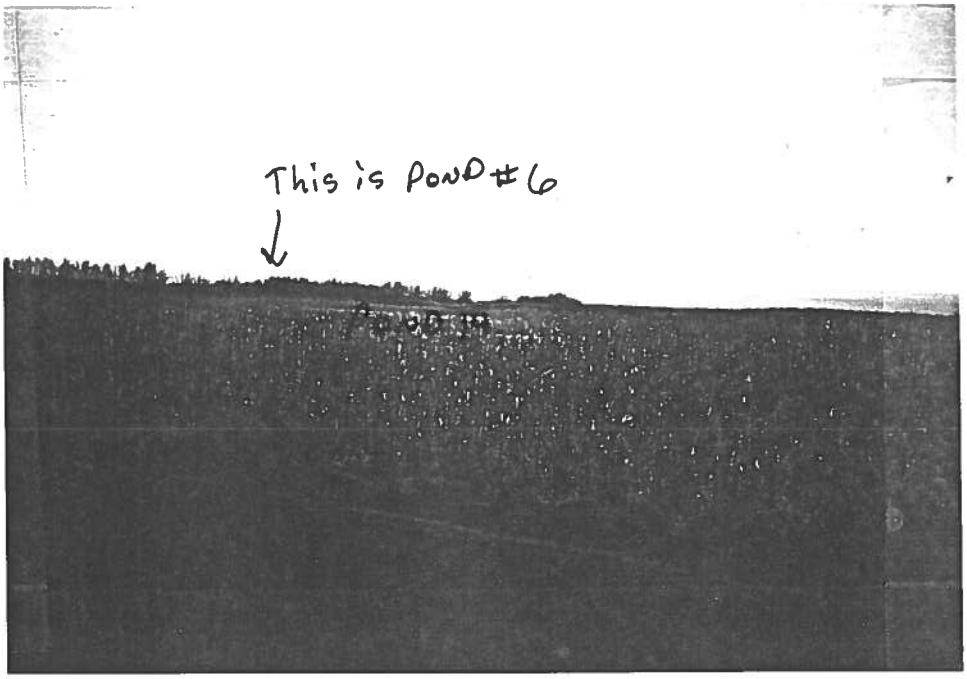
BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	42	A	Decreed	Active	4/4/1910	0.11	WEATHERBY SPRINGS	IRRIGATION	BYBEE, GERTRUDE B OWSLEY (Current)	Adjudication Recommendation
36	44		Decreed	Active	3/8/1902	0.7	WEATHERBY SPRINGS	IRRIGATION	OMOHUNDRO, NEVADA B (Current)	Adjudication Recommendation
36	60		Decreed	Active	12/12/1901	0.5	HOAGLAND TUNNEL	IRRIGATION	BROOKS, ALLEN L (Current); BROOKS, ANDREE G (Current)	Adjudication Recommendation
36	61		Decreed	Active	12/12/1901	2.22	HOAGLAND TUNNEL	DOMESTIC, IRRIGATION, STOCKWATER	MORRIS, HOWARD L (Current); MORRIS, RHONDA K (Current)	Adjudication Recommendation
36	62		Decreed	Active	5/1/1912	0.28	HOAGLAND TUNNEL	IRRIGATION	MORRIS, HOWARD L (Current); MORRIS, RHONDA K (Current)	Adjudication Recommendation
36	63		Decreed	Active	11/1/1915	0.8	HOAGLAND TUNNEL	IRRIGATION	MORRIS, HOWARD L (Current); MORRIS, RHONDA K (Current)	Adjudication Recommendation
36	68		Decreed	Active	1888-02-01	10.74	WEATHERBY SPRINGS	DOMESTIC, IRRIGATION, STOCKWATER	JONES JR, JOHN W (Current); JONES, DELORIS D (Current)	Adjudication Recommendation
36	69		Decreed	Active	1888-02-01	1	HOAGLAND TUNNEL	IRRIGATION, STOCKWATER	JONES JR, JOHN W (Current); JONES, DELORIS D (Current)	Adjudication Recommendation
36	86	C	Decreed	Active	1888-02-01	1.6	WEATHERBY SPRINGS	DOMESTIC, IRRIGATION	FUELL, JOLENE (Current); FUELL, KEITH L (Current)	Adjudication Recommendation
36	105		Decreed	Active	3/8/1902	1	WEATHERBY SPRINGS	IRRIGATION, STOCKWATER	SMITH, RONNIE D (Current); SMITH, SHARLENE (Current)	Adjudication Recommendation
36	116		Decreed	Active	12/12/1901	1.14	HOAGLAND TUNNEL	IRRIGATION	MUSSER, J ALVIN (Current); MUSSER, TIM (Current)	Adjudication Recommendation

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	119		Decreed	Active	12/12/1901	0.2	HOAGLAND TUNNEL	IRRIGATION	LITTLEFAIR, LARRY J (Current); LITTLEFAIR, TARA G (Current)	Adjudication Recommendation
36	120		Decreed	Active	7/8/1915	0.5	HOAGLAND TUNNEL	IRRIGATION	LITTLEFAIR, LARRY J (Current); LITTLEFAIR, TARA G (Current)	Adjudication Recommendation
36	7071		License	Active	7/8/1969	73.05		FISH PROPAGATION	JONES JR, JOHN W (Current); JONES, DELORIS D (Current)	Adjudication Recommendation
36	15157		Decreed	Active	3/8/1902	1.2	WEATHERBY SPRINGS	IRRIGATION, STOCKWATER	HOSKOVEC, BARBARA (Current); HOSKOVEC, STANLEY E (Current)	Adjudication Recommendation
36	15454		Decreed	Active	1/10/1917	0.17	WEATHERBY SPRINGS	IRRIGATION, STOCKWATER	MAVENCAMP, V JOHN (Current); MAVENCAMP, VERNON J (Current)	Adjudication Recommendation
36	15461		Decreed	Active	3/23/1932	0.4	WEATHERBY SPRINGS	IRRIGATION	HOSKOVEC, BARBARA (Current); HOSKOVEC, STANLEY E (Current)	Adjudication Recommendation
36	15663		Decreed	Active	3/8/1902	0.01	WEATHERBY SPRINGS	IRRIGATION	SHAPPEE, WILLIAM B (Current)	Adjudication Recommendation
36	9		Decreed	Active	3/8/1902	0.8	WEATHERBY SPRINGS	IRRIGATION	BARTON, MRS R W (Current); BARTON, R W (Current)	Water Right
36	10		Decreed	Active	3/8/1902	0.4	WEATHERBY SPRINGS	IRRIGATION	BARTON, MRS R W (Current); BARTON, R W (Current)	Water Right
36	11		Decreed	Active	3/8/1902	1.3	WEATHERBY SPRINGS	IRRIGATION	BARTON, ELLA (Current); BARTON, W C (Current)	Water Right
36	11	A	Decreed	Active	3/8/1902	0.8	WEATHERBY SPRINGS	IRRIGATION	JENSEN, DARRELL W (Current); JENSEN, DEE ANNA (Current)	Water Right

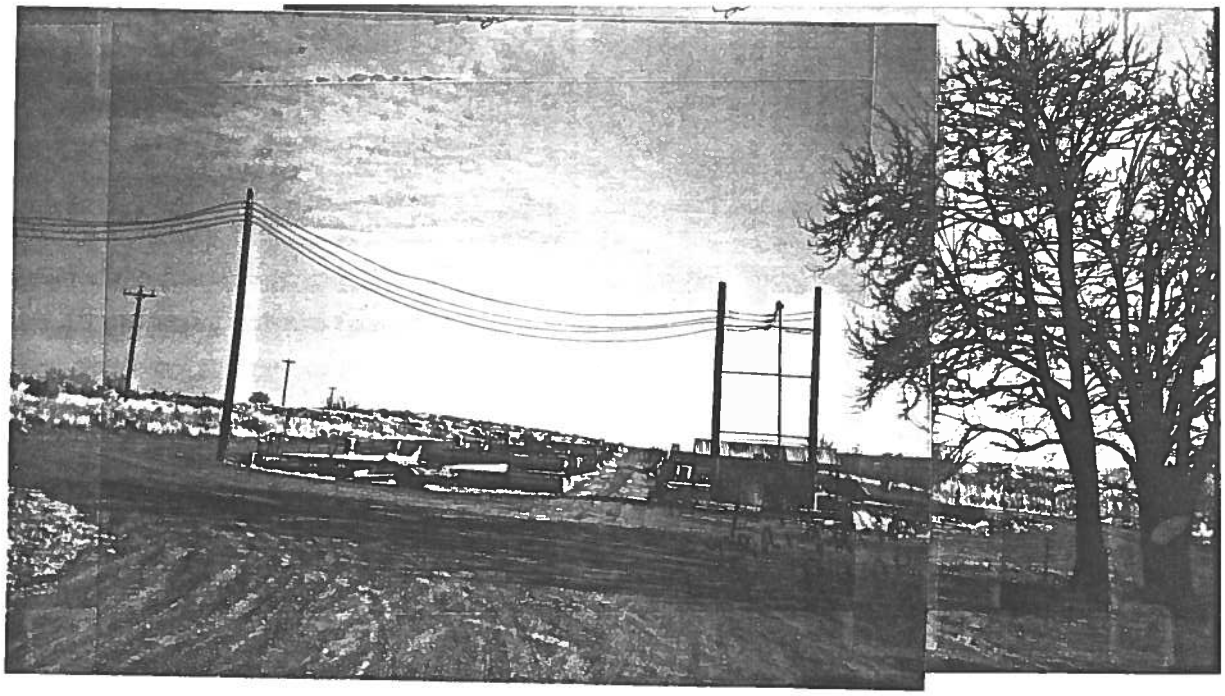
BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	11	B	Decreed	Active	3/8/1902	0.5	WEATHERBY SPRINGS	IRRIGATION	LORANGER, BEVERLY B (Current); LORANGER, GENE E (Current)	Water Right
36	15		Decreed	Active	3/8/1902	6.5	WEATHERBY SPRINGS	IRRIGATION	BUCKEYE FARMS INC (Current)	Water Right
36	33	B	Decreed	Active	3/8/1902	0.75	WEATHERBY SPRINGS	IRRIGATION	HOSKOVEC, BETTY B (Current)	Water Right
36	33	F	Decreed	Active	3/8/1902	0.75	WEATHERBY SPRINGS	IRRIGATION	GUSTAFSON FAMILY TRUST (Current)	Water Right
36	41		Decreed	Active	12/12/1901	0.8	HOAGLAND TUNNEL	IRRIGATION	ELIASON, ARMEDIA (Current)	Water Right
36	41	A	Decreed	Active	12/12/1901	0.02	HOAGLAND TUNNEL	IRRIGATION, STOCKWATER	DICE, JUDITH A (Current); DICE, PHILIP F (Current)	Water Right
36	41	B	Decreed	Active	12/12/1901	0.02	HOAGLAND TUNNEL	DOMESTIC	OMOHUNDRO, NEVADA B (Current)	Water Right
36	41	C	Decreed	Active	12/12/1901	0.08	HOAGLAND TUNNEL	IRRIGATION	BYBEE, GERTRUDE B OWSLEY (Current)	Water Right
36	41	F	Decreed	Active	12/12/1901	0.03	HOAGLAND TUNNEL	IRRIGATION	MORELAND, MARY L (Current); MORELAND, RODNEY D (Current)	Water Right
36	42	A	Decreed	Active	4/4/1910	0.11	WEATHERBY SPRINGS	IRRIGATION	BYBEE, GERTRUDE B OWSLEY (Current)	Water Right
36	44		Decreed	Active	3/8/1902	0.7	WEATHERBY SPRINGS	IRRIGATION	OMOHUNDRO, NEVADA B (Current)	Water Right

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
36	45		Decreed	Active	1888-02-01	0.5	WEATHERBY SPRINGS	IRRIGATION	FARMER, J EUGENE (Current); FARMER, MARVEL (Current)	Water Right
36	60		Decreed	Active	12/12/1901	0.5	HOAGLAND TUNNEL	IRRIGATION	BROOKS, ALLEN L (Current); BROOKS, ANDREE G (Current)	Water Right
36	61		Decreed	Active	12/12/1901	2.22	WEATHERBY SPRINGS	IRRIGATION	HOFFMAN, L W (Current); HOFFMAN, MRS L W (Current)	Water Right
36	62		Decreed	Active	5/1/1912	0.28	WEATHERBY SPRINGS	IRRIGATION	HOFFMAN, L W (Current); HOFFMAN, MRS L W (Current)	Water Right
36	63		Decreed	Active	11/1/1915	0.8	WEATHERBY SPRINGS	IRRIGATION	HOFFMAN, L W (Current); HOFFMAN, MRS L W (Current)	Water Right
36	68		Decreed	Active	1888-02-01	12.5	WEATHERBY SPRINGS	IRRIGATION	JONES, DANIEL (Current)	Water Right
36	69		Decreed	Active	1888-02-01	1	WEATHERBY SPRINGS	IRRIGATION	JONES, DANIEL (Current)	Water Right
36	86	D	Decreed	Active	1888-02-01	0.06	WEATHERBY SPRINGS	DOMESTIC, IRRIGATION	SMITH, LANDON H (Current); SMITH, MARGUERITTE S (Current)	Water Right
36	86	E	Decreed	Active	1888-02-01	0.02	WEATHERBY SPRINGS	DOMESTIC	KNOTT, NANCY J (Current); KNOTT, STEVEN T (Current)	Water Right
36	86	F	Decreed	Active	1888-02-01	0.02	WEATHERBY SPRINGS	DOMESTIC	HENDRIX, ALLEN E (Current); HENDRIX, FRANCES (Current)	Water Right
36	86	G	Decreed	Active	1888-02-01	0.11	WEATHERBY SPRINGS	DOMESTIC, IRRIGATION	HURST, KAY L (Current); HURST, RONALD E (Current)	Water Right

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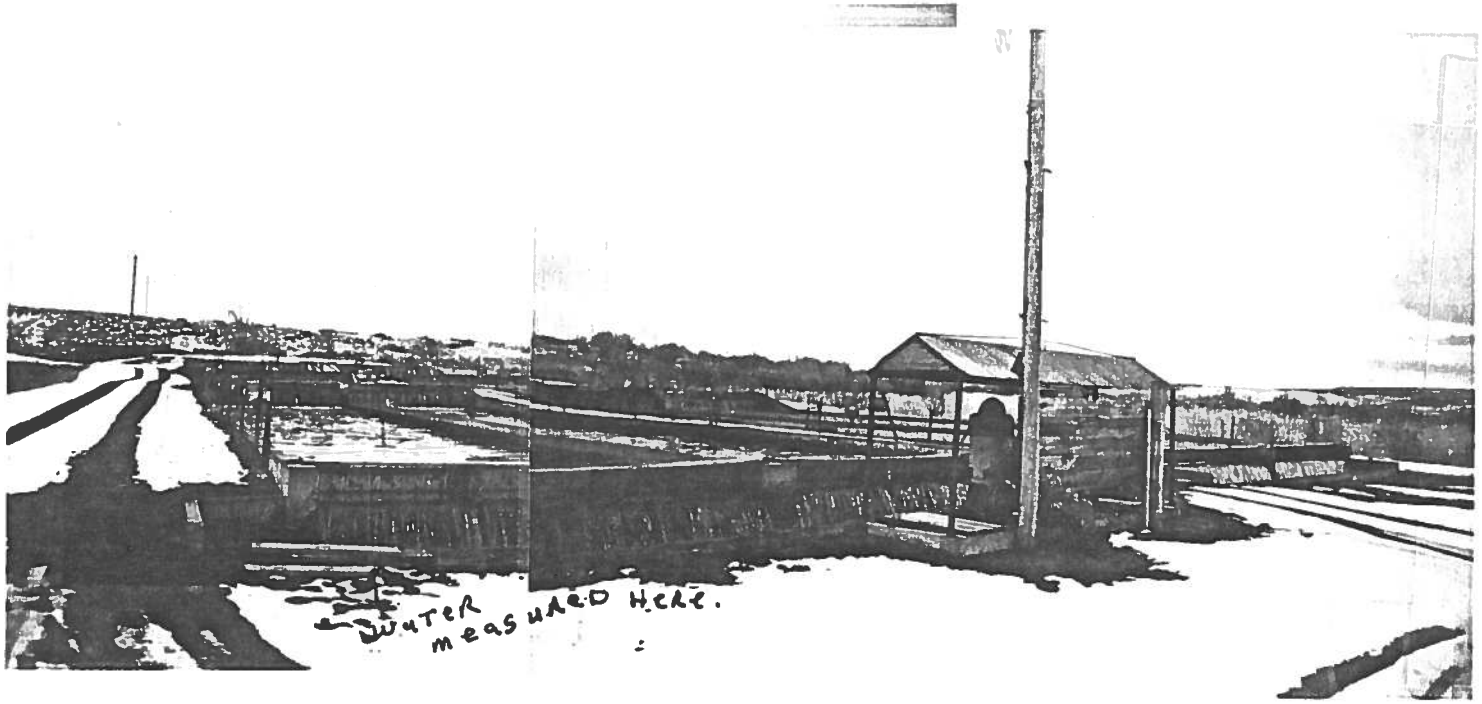
POND #14



HUNT DITCH FISH HATCHERY

There is a IRRigation Pump in The Tin Shed
at The End of the Ditch. Hatchery

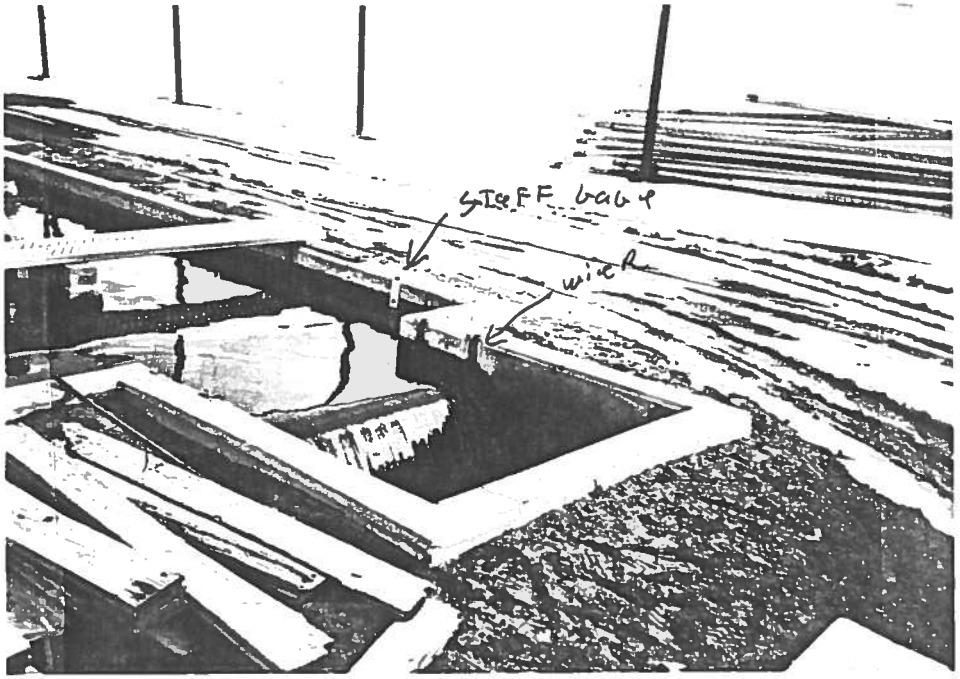
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HUNT / BUCKEY FISH HATCHERY.

WATER WAS MEASURED AT THE OUTLET OF THIS FISH HATCHERY

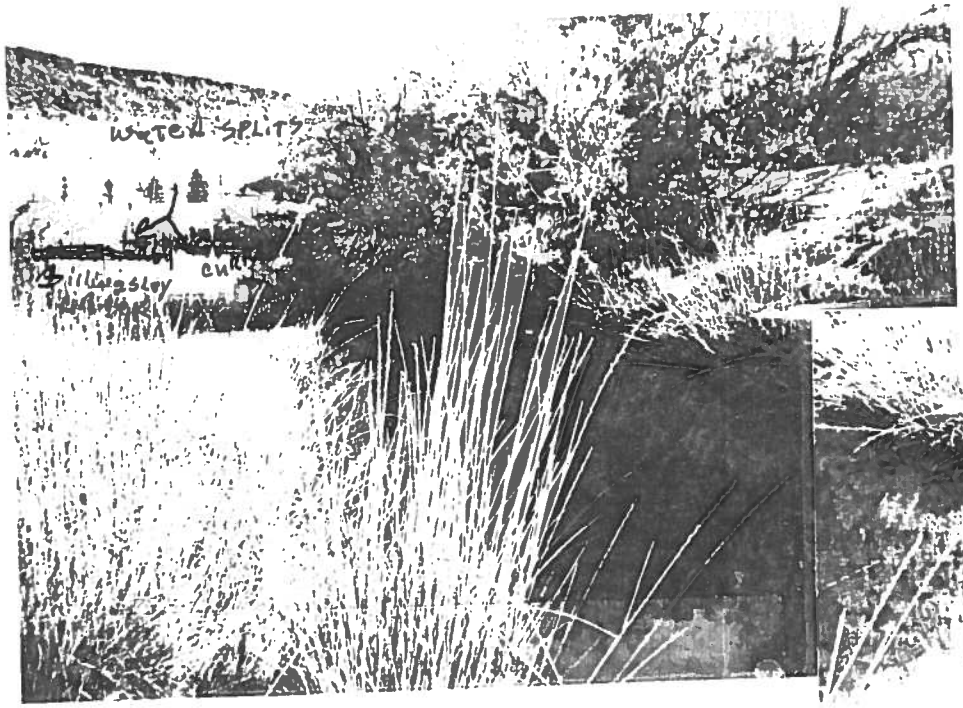
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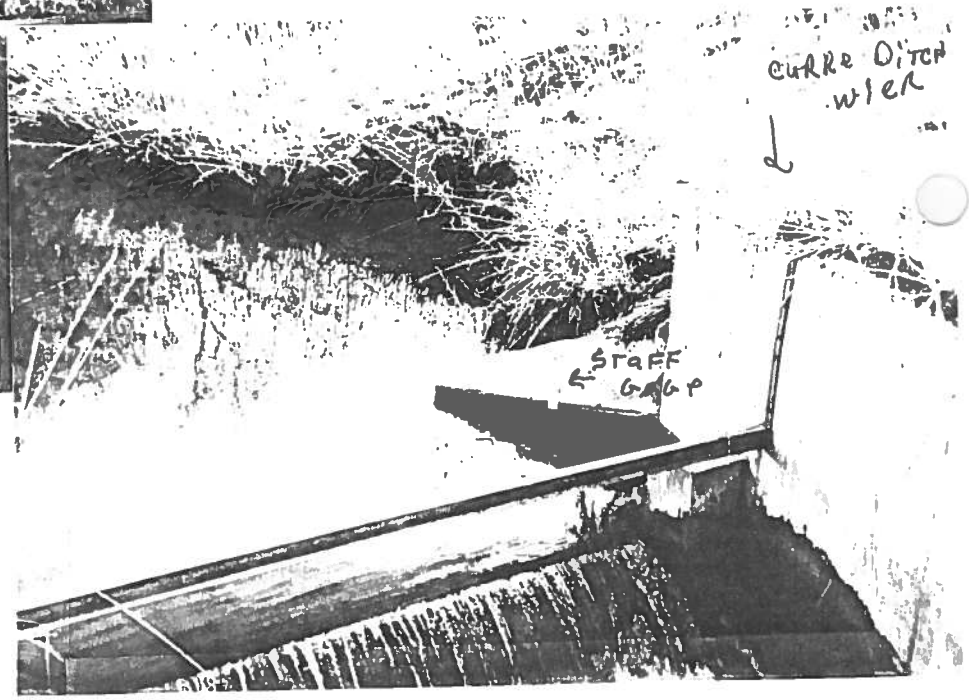


Measurement 11 (Weatherby PID)

This is the Point where Weatherby SPRings Exits the Jones Fish Hatchery and is sent to the co-mingle Point with the CURREN Ditch.

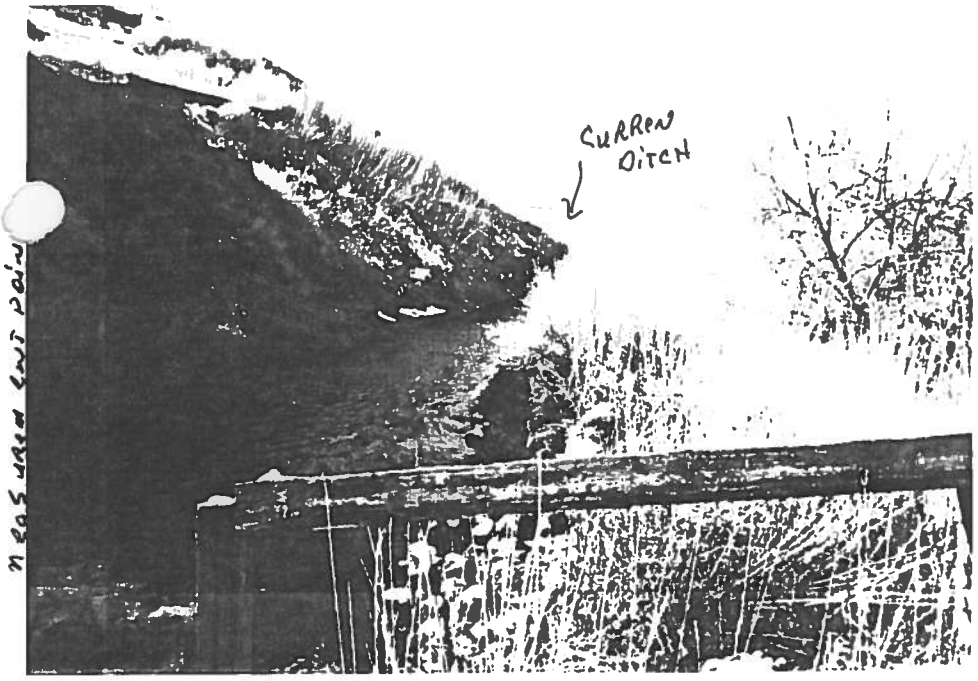
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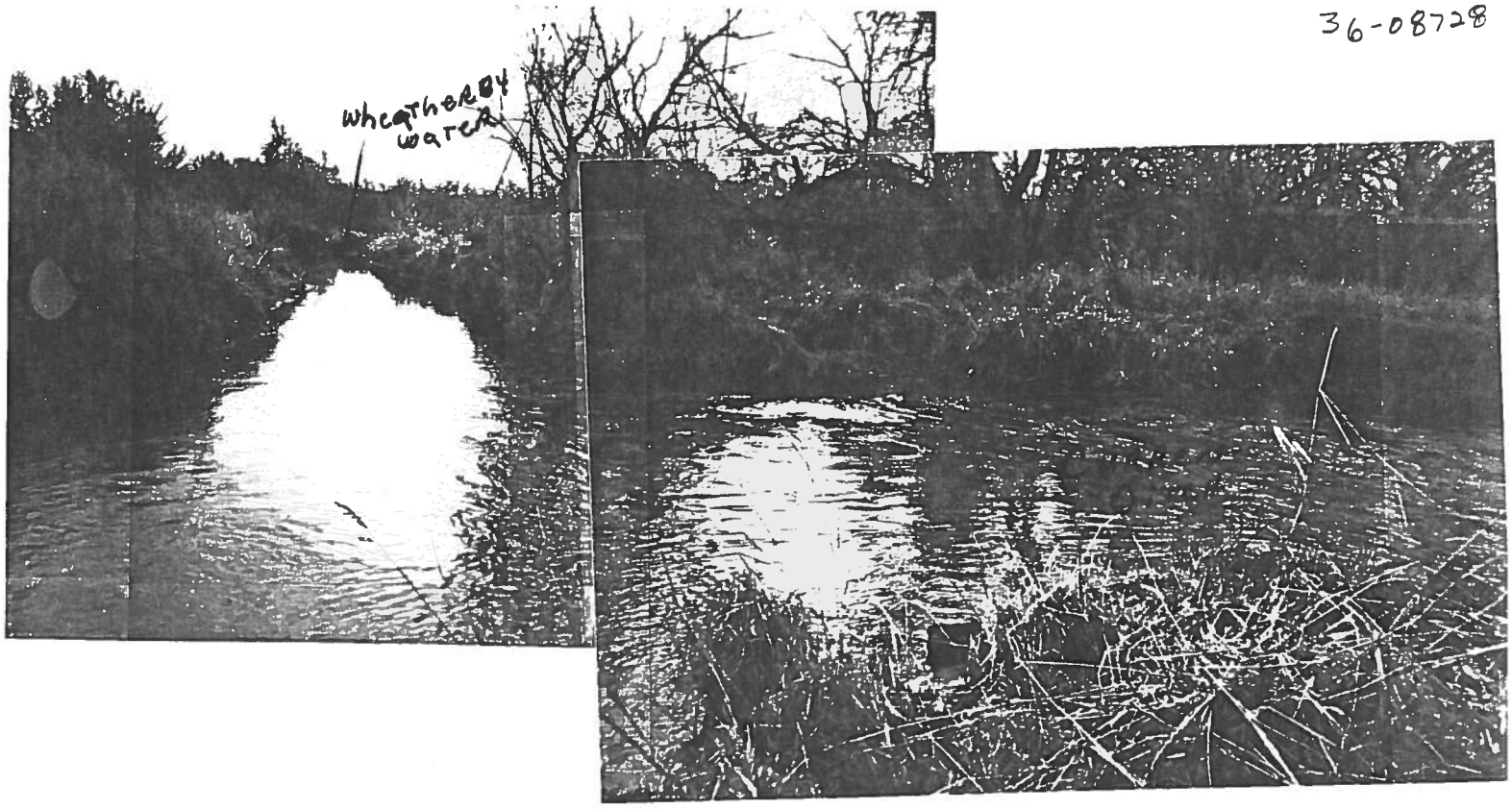
MEASUREMENT #12 (CURREN DITCH)

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



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

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



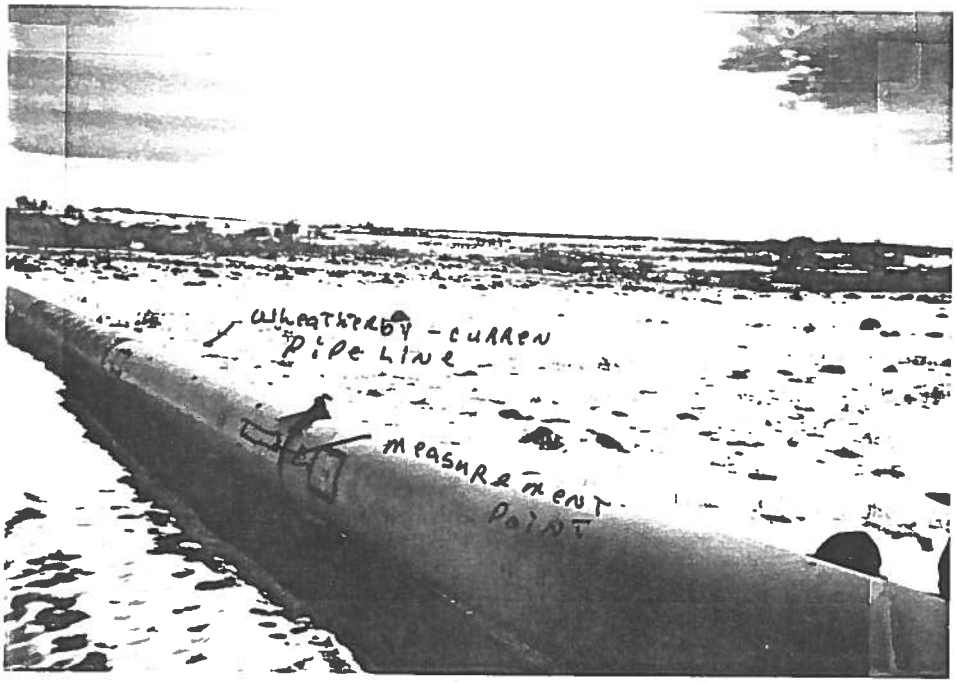
This shows the 2 Pipe outlets of the Weatherby water.

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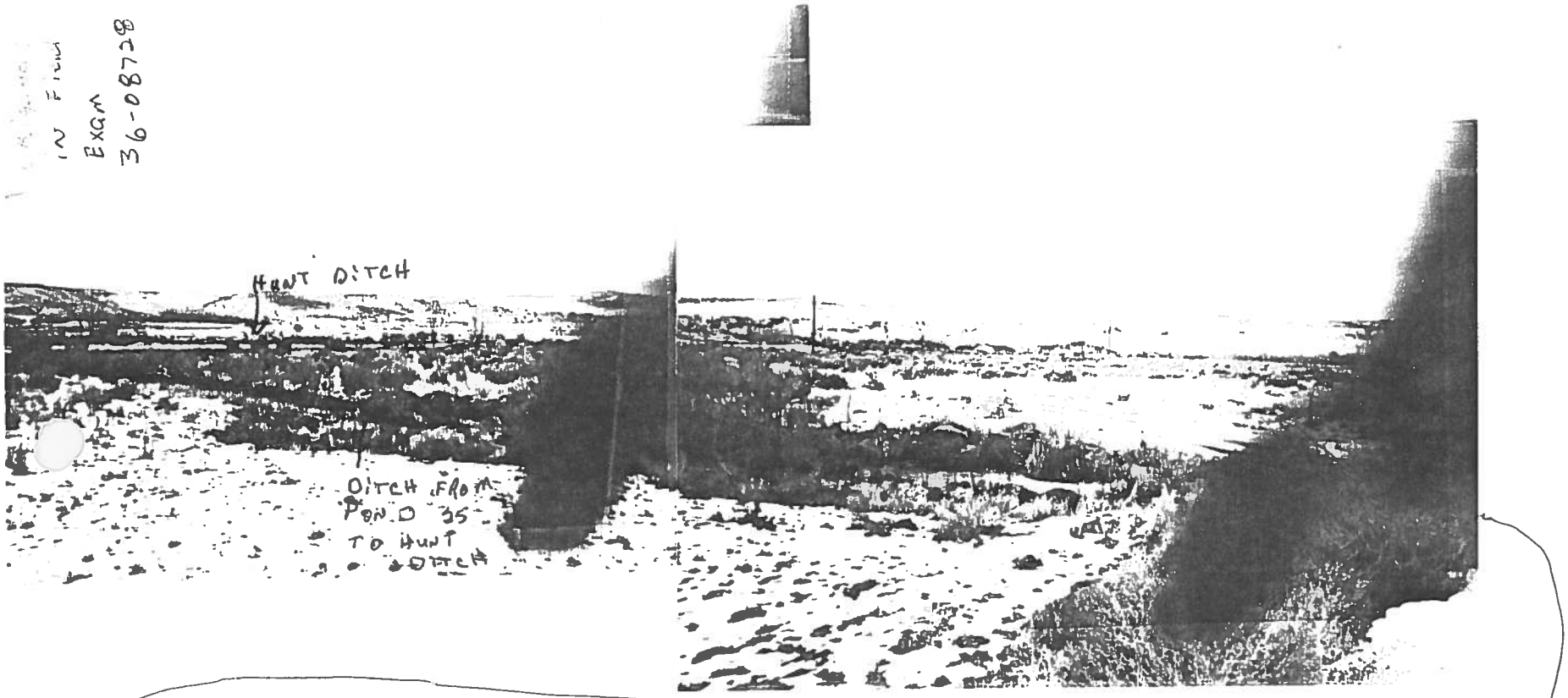
Wheatherby - CURREN water ENTERS Buckeye's Wheatherby - CURREN PIPELINE.

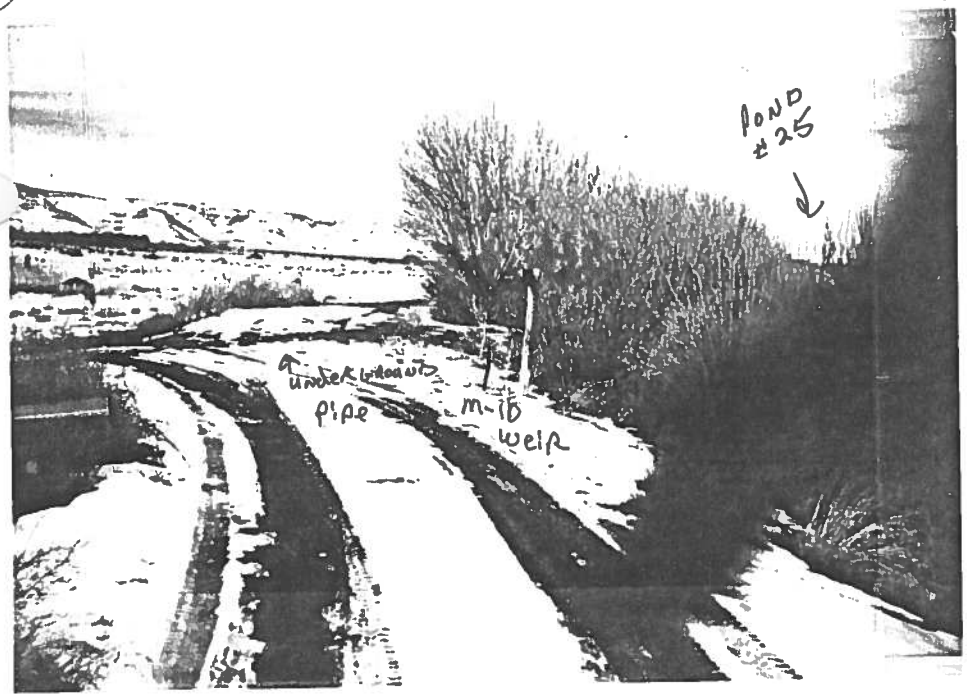
Measurement Point 13. Wheatherby - CURREN DITCH SPLIT. The water at this point is split between Buckeye Farms and other user's. Both wiers have a STAFF Gage



Measurement Point 14. (Wheatherby - CURREN PIPE LINE)
This is the point I measured the Wheatherby - CURREN Pipe Line.

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36-08728

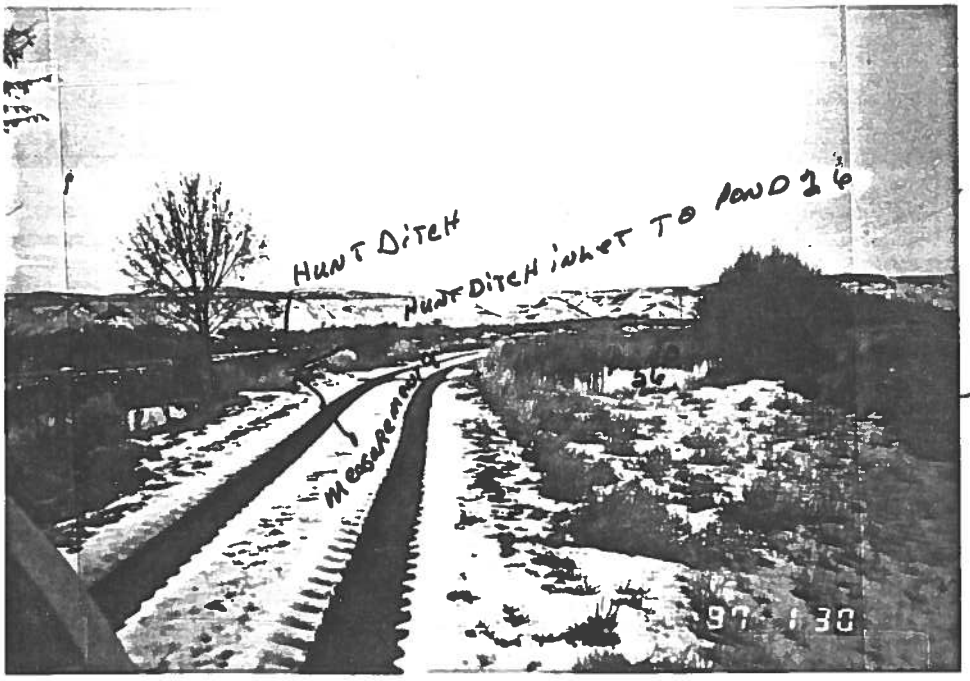




Measurement #10

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

IN Field
Exam
36-08728



This is measurement #9 where the HUNT DITCH empties into POND #26 and co-mingles with water from POND 24's DITCH.



This measurement # 8.
This is where the water from M-9 (HUNT DITCH) and Wheatlaby-Curren water (DITCH FROM POND 24) Discha. into TH HUNT DITCH.

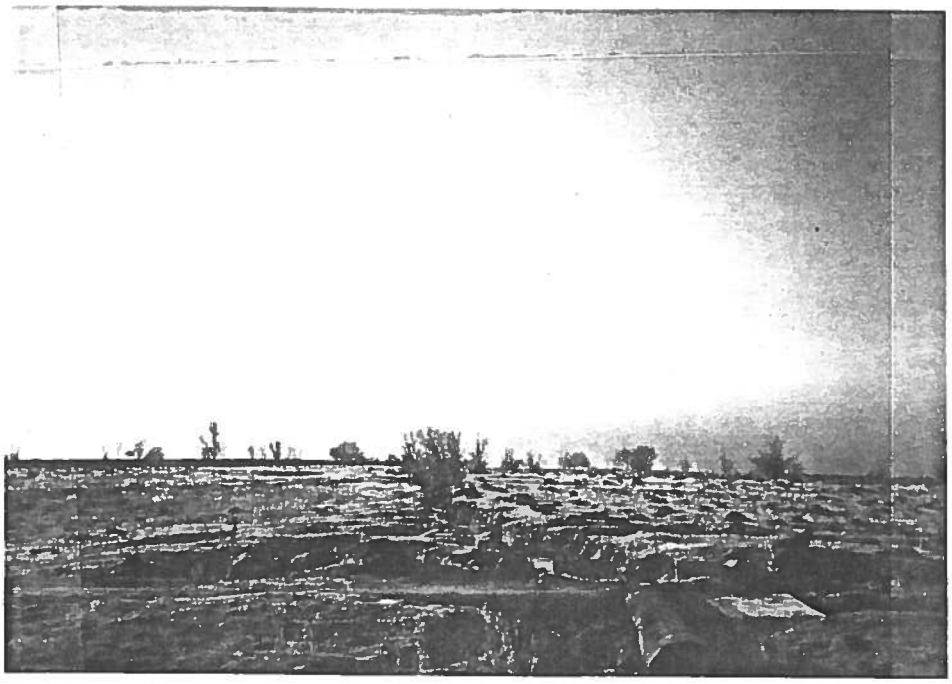


MEASUREMENT #3

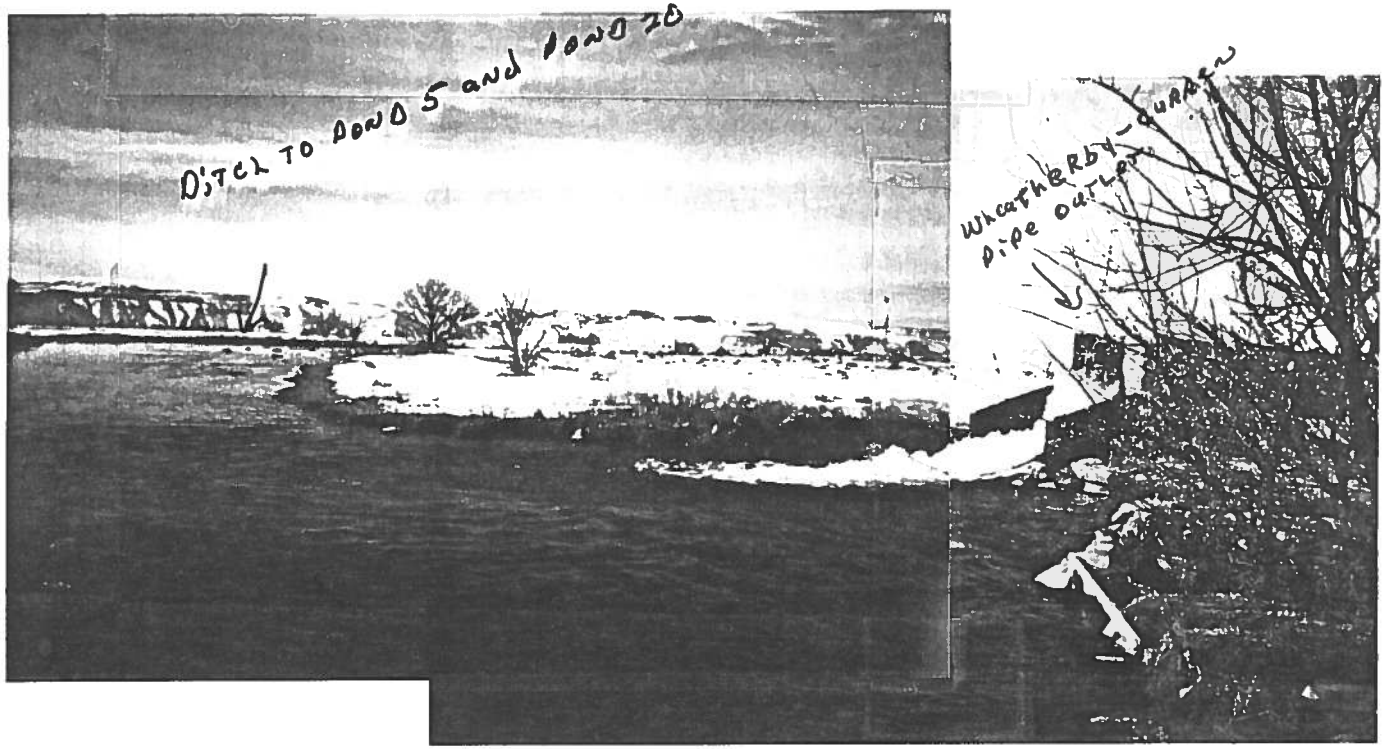
THIS IS THE OUTLET FROM POND #39 TO THE SNAKE RIVER.

IN FILE
EXAM
36-08728

ORIGINAL
IN Field
EXAM
36-08728



DITCH FROM Wheatherby/CURREN Pipeline OUTLET
TO POND #2

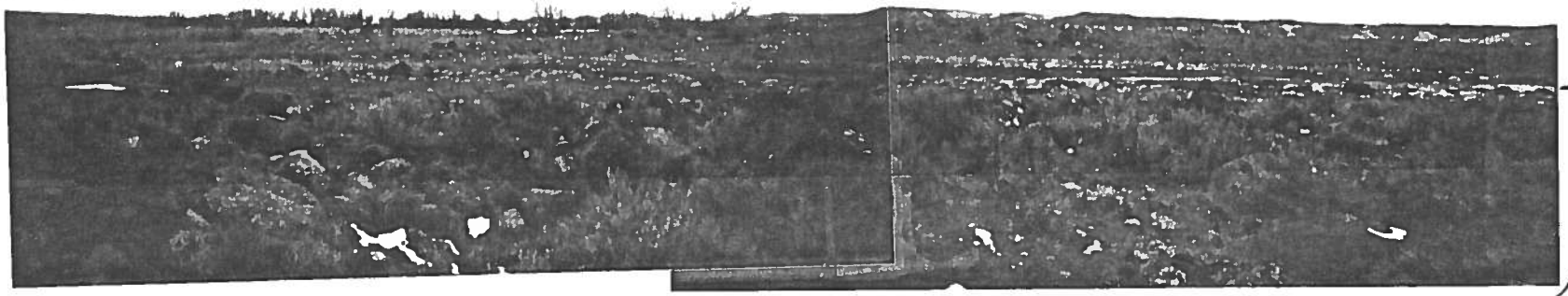


This is the outlet point of the Wheatherby-Curren Pipeline. It empties into an open ditch that transports the water to Pond 5 and Pond 20.

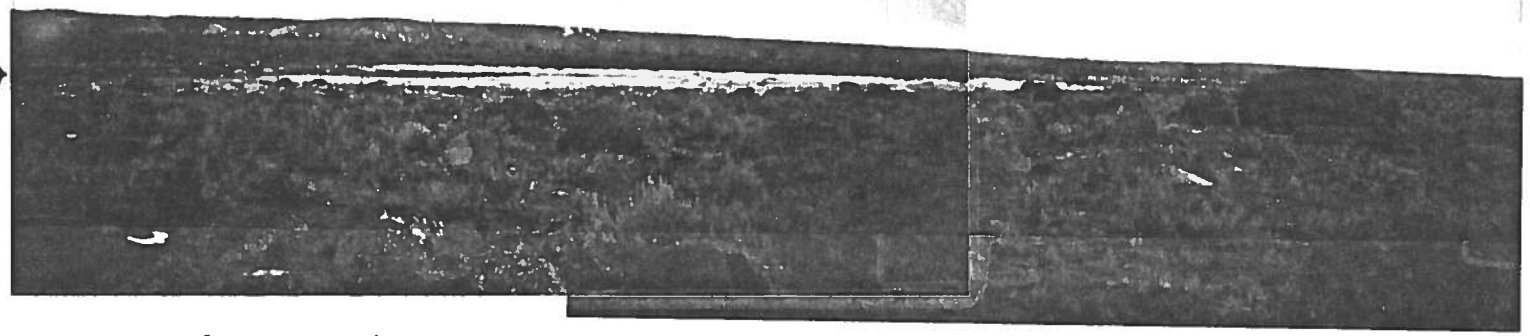
Original in Field Exam 36-08728

C. RIGNEY
INV FIELD
EXAM
36-087228

POND #2

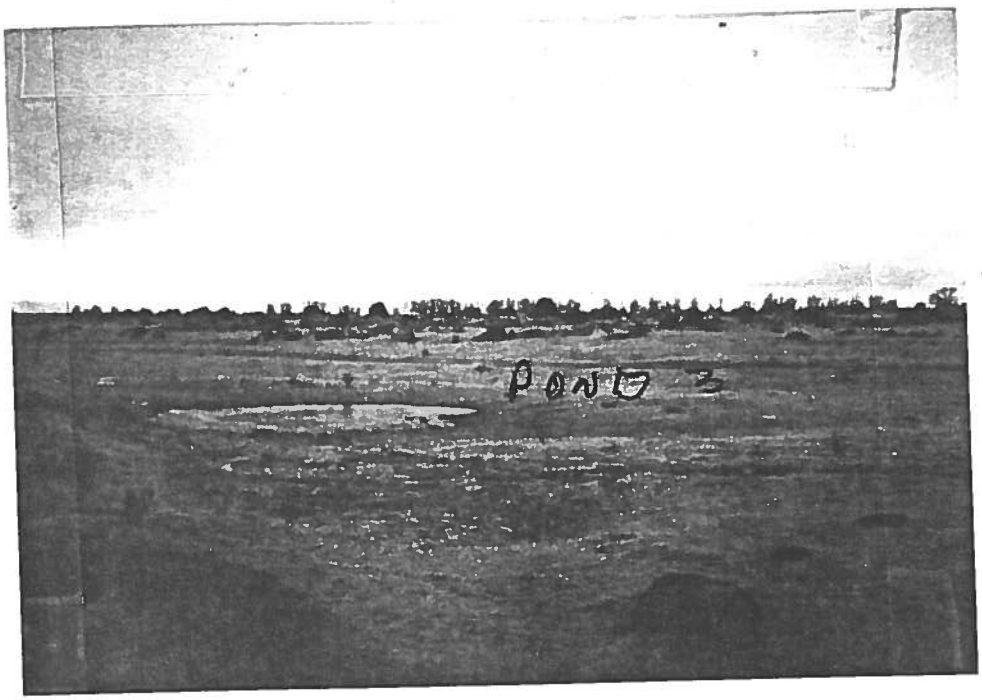


POND #2

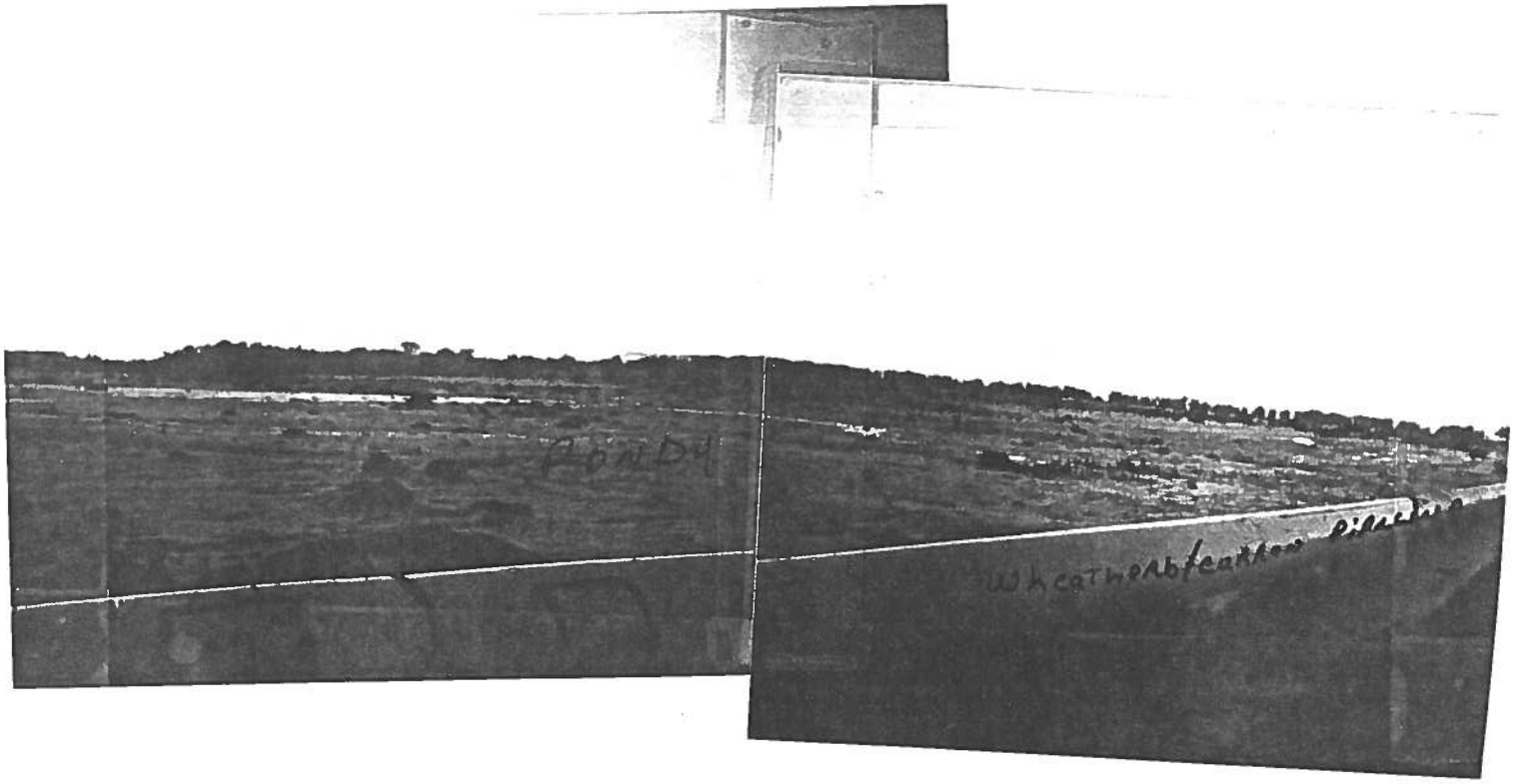


POND #2. THEY HAD ALREADY BEGUN DRYING IT UP AT THE TIME OF THE PICTURE.

ORIGINAL
IN Field
EXAM
36-08728



POND #3



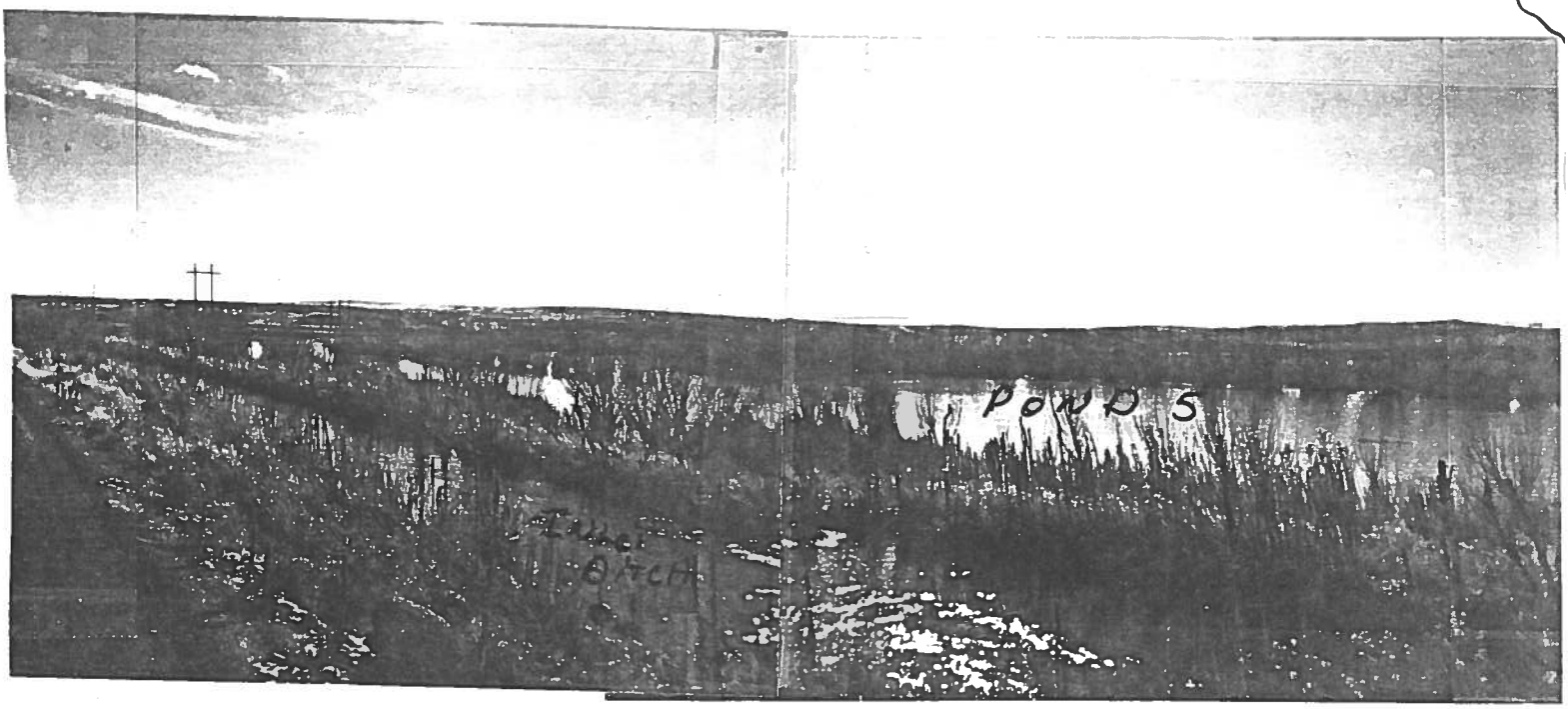
POND #4

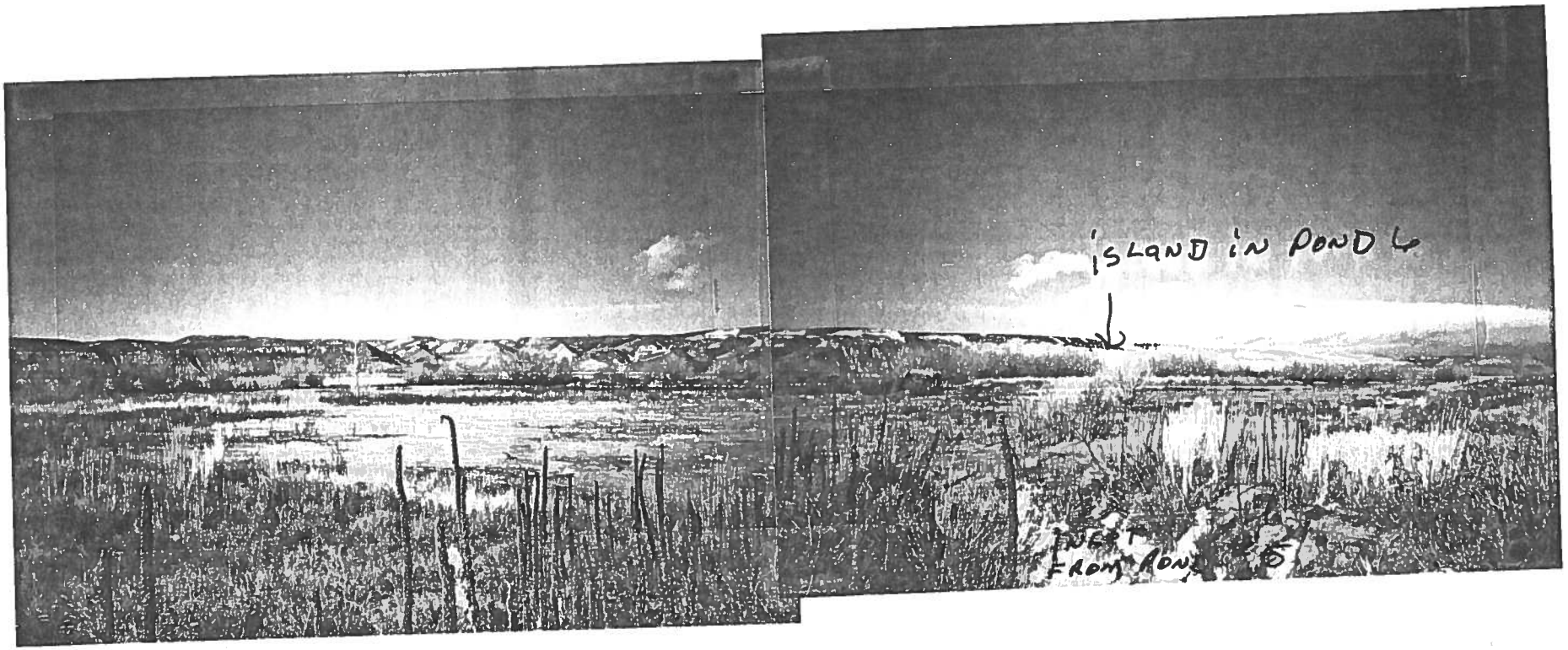
ORIGINAL
IN Field
Exam
36-08728



This is POND 6

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

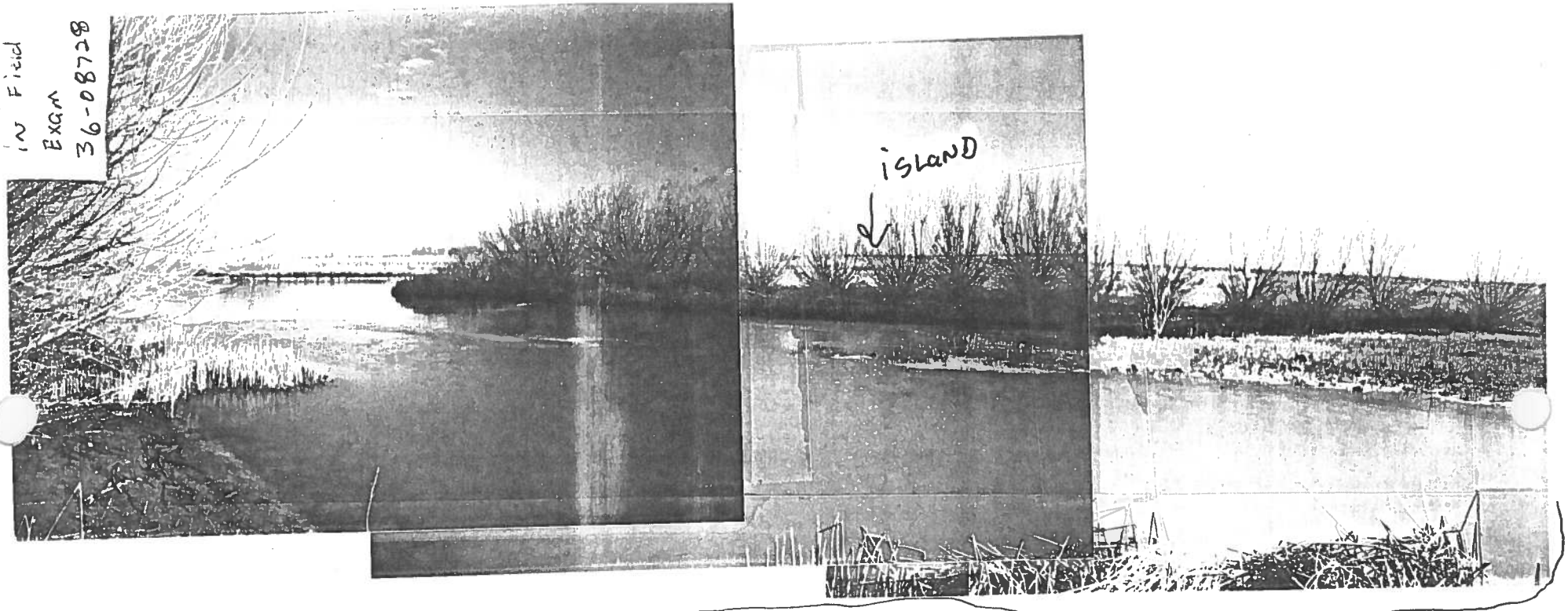




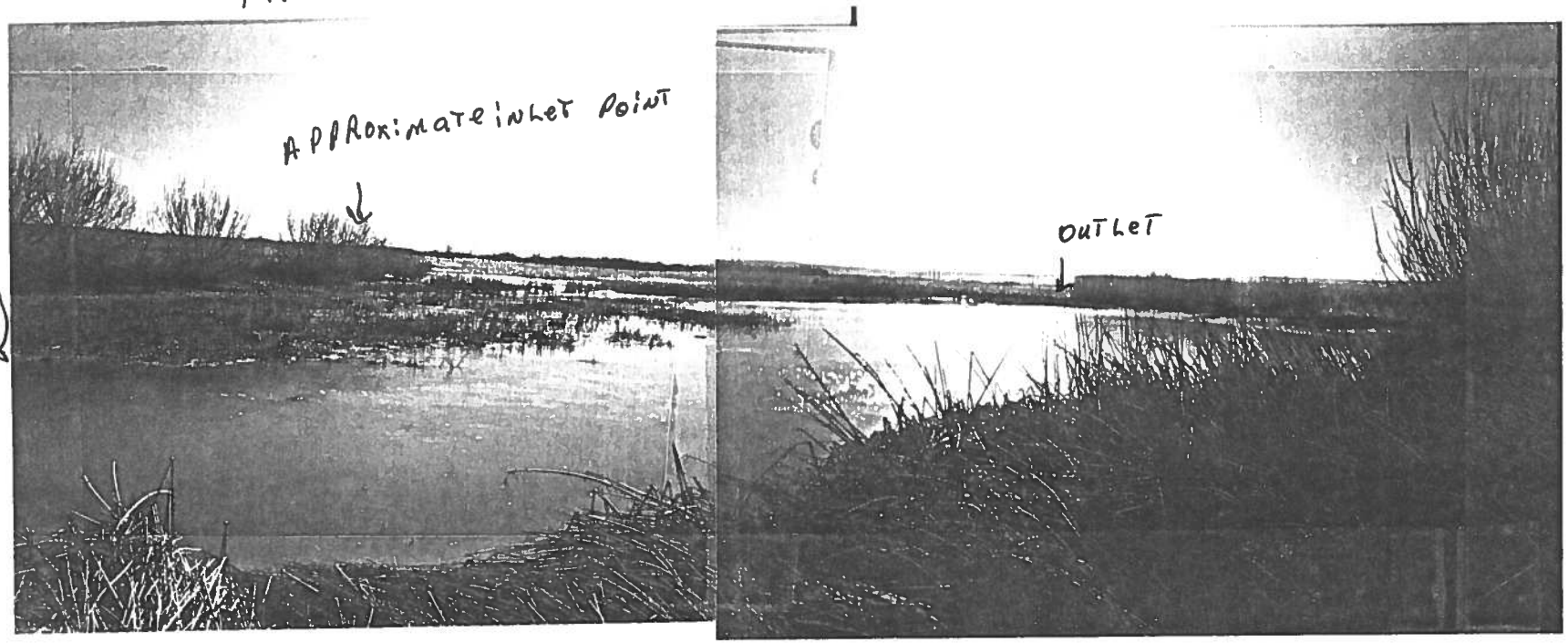
This is The East Side of Pond #6

K. Grace
IN Field
Exam
36-08728

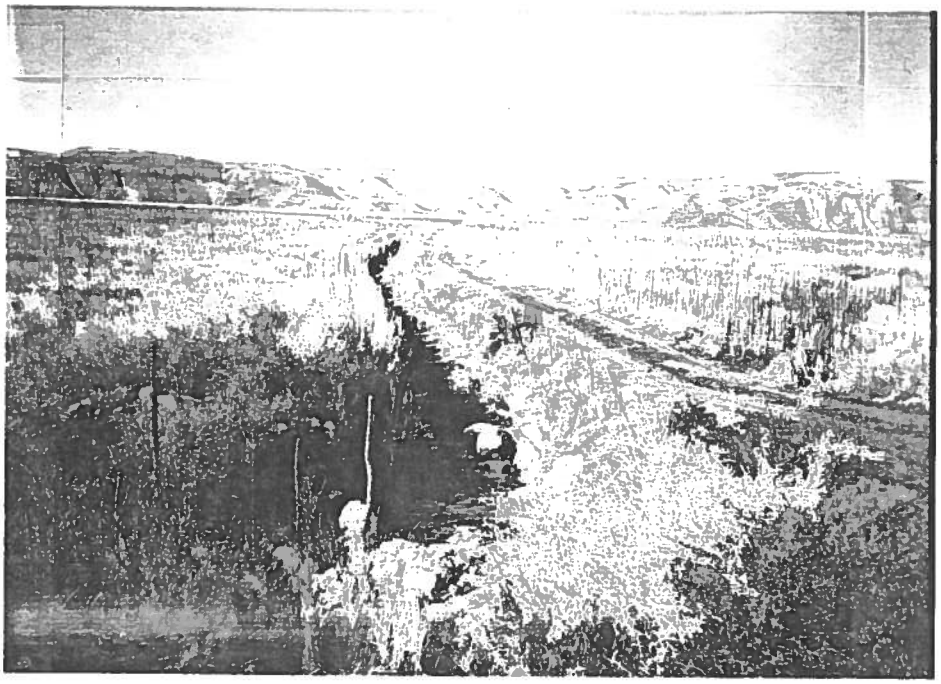
Original
IN Field
Exam
36-08728



This is The West side OF POND 6.



Original
In Field
Exam
36-08728

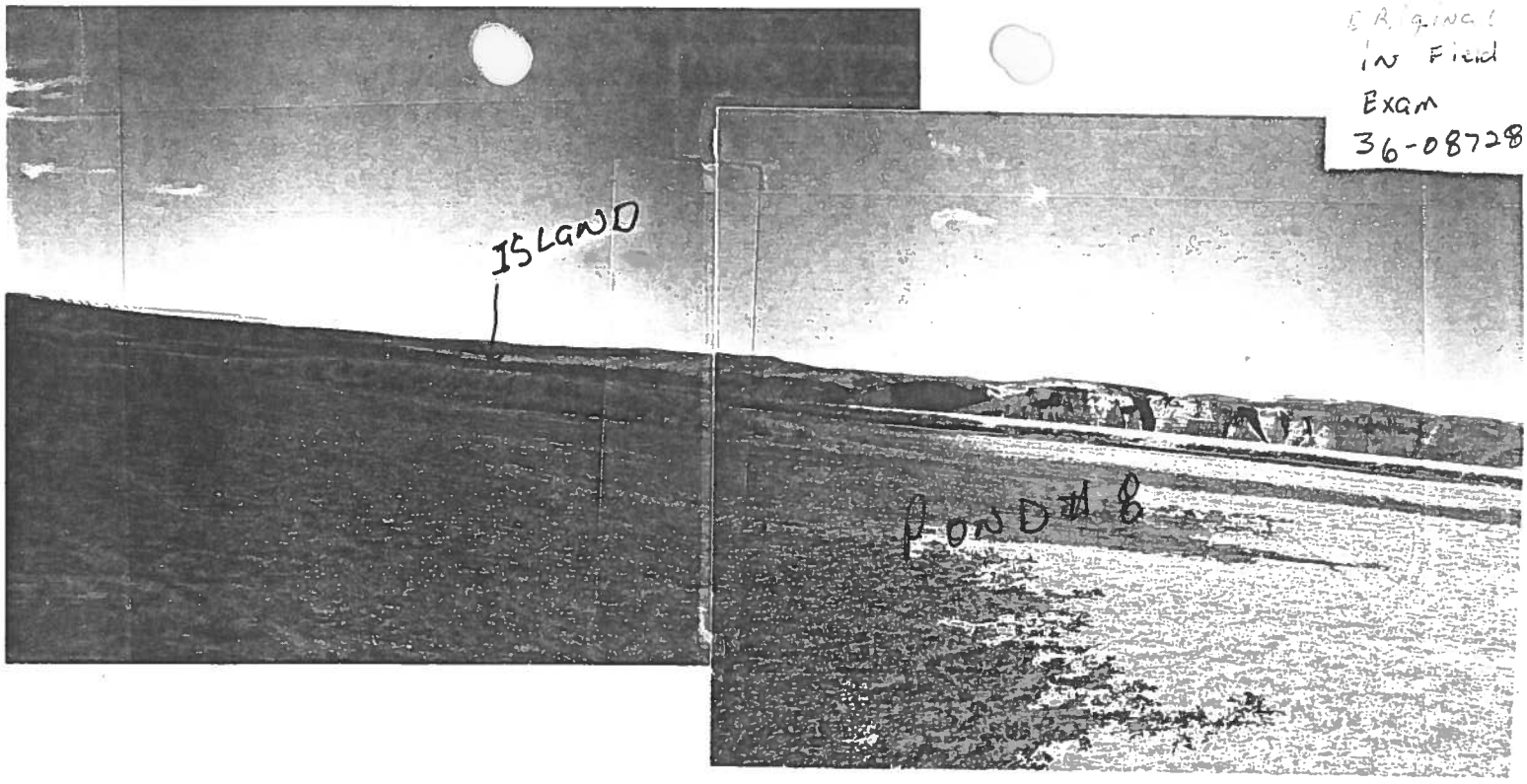


DITCH FROM POND #6 TO POND # 7

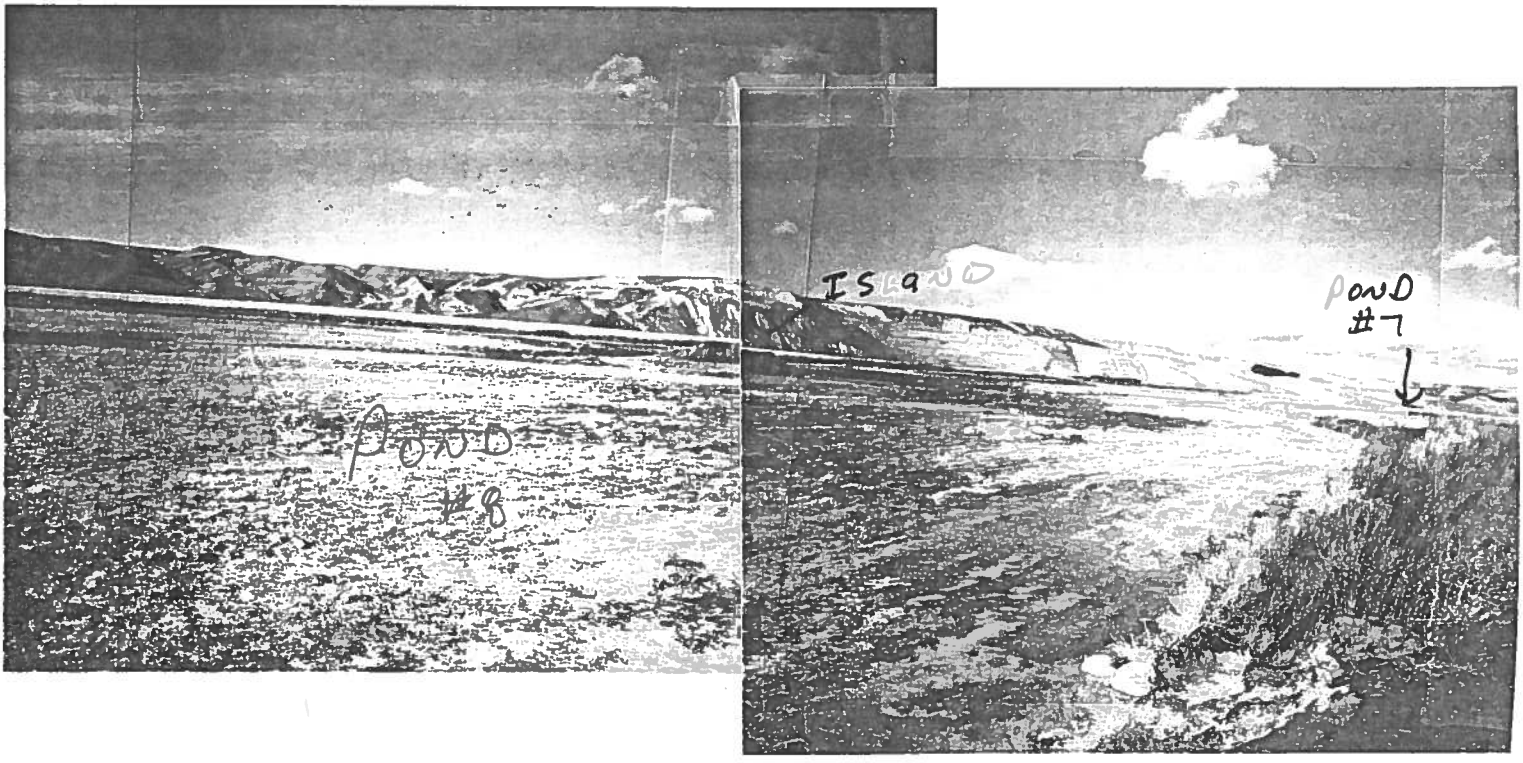


POND #7

ORIGINAL
IN Field
Exam
36-08728



POND #8

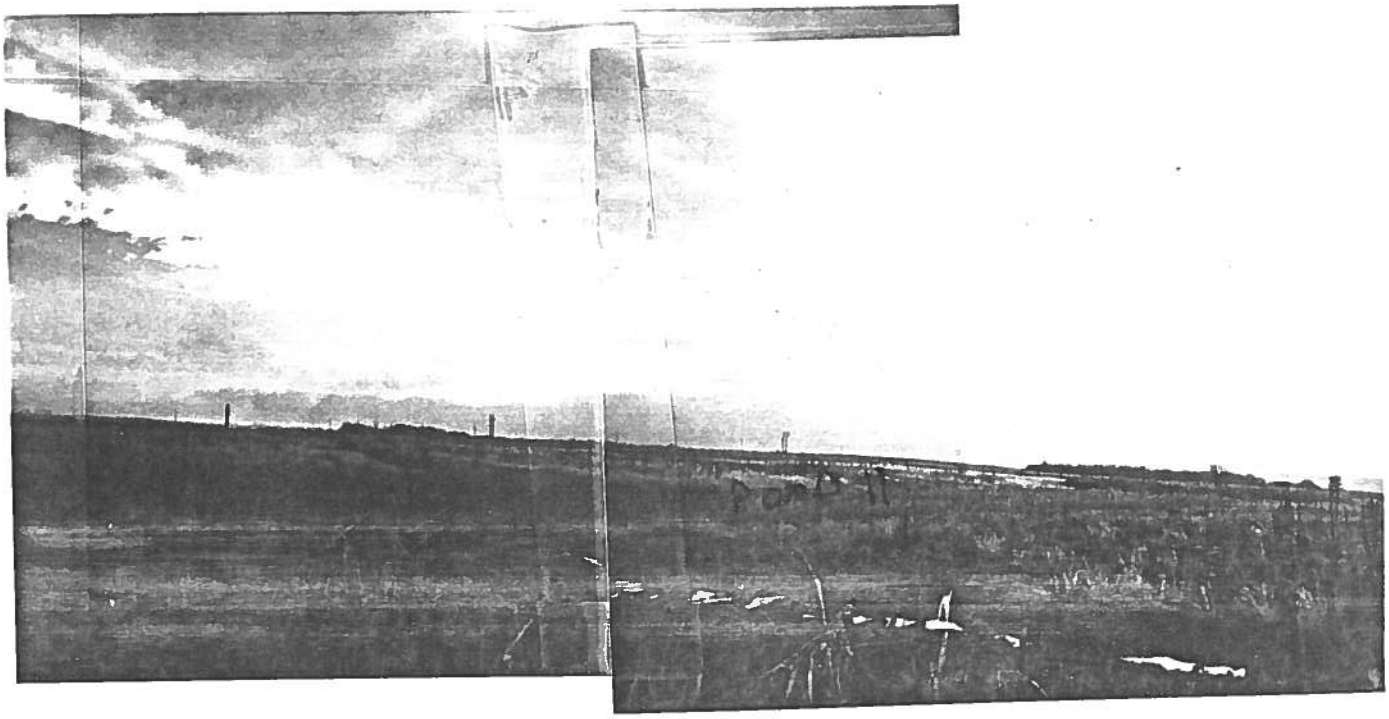


POND #9

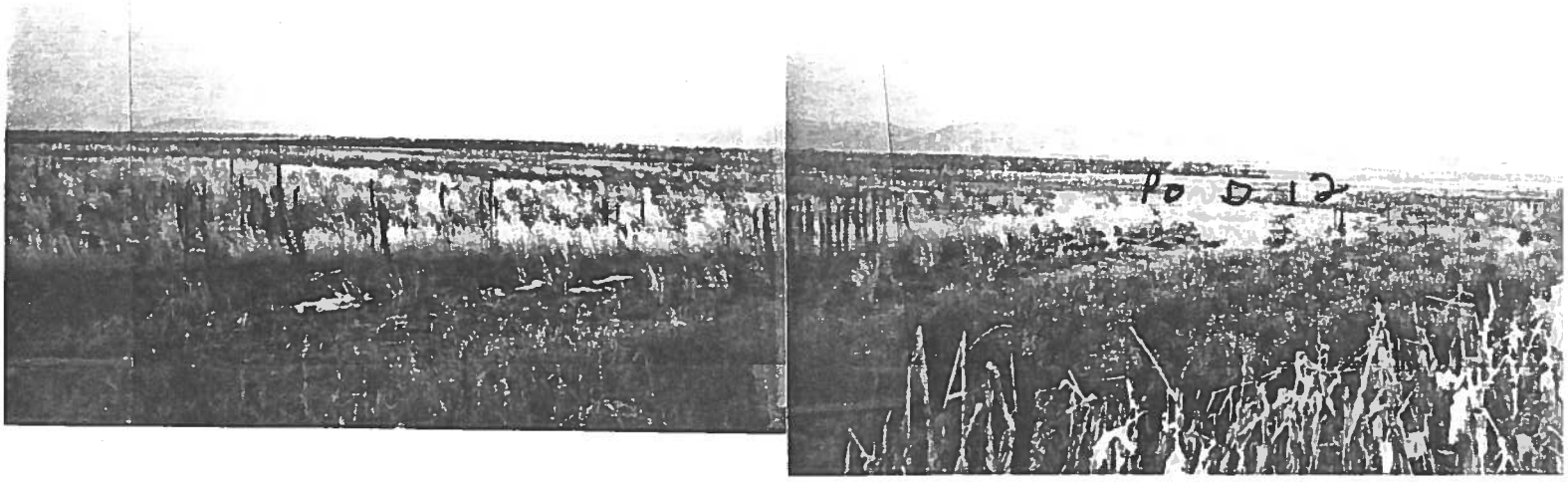
POND #10

Exam
36-0873B

IN Field
Exam
36-08728

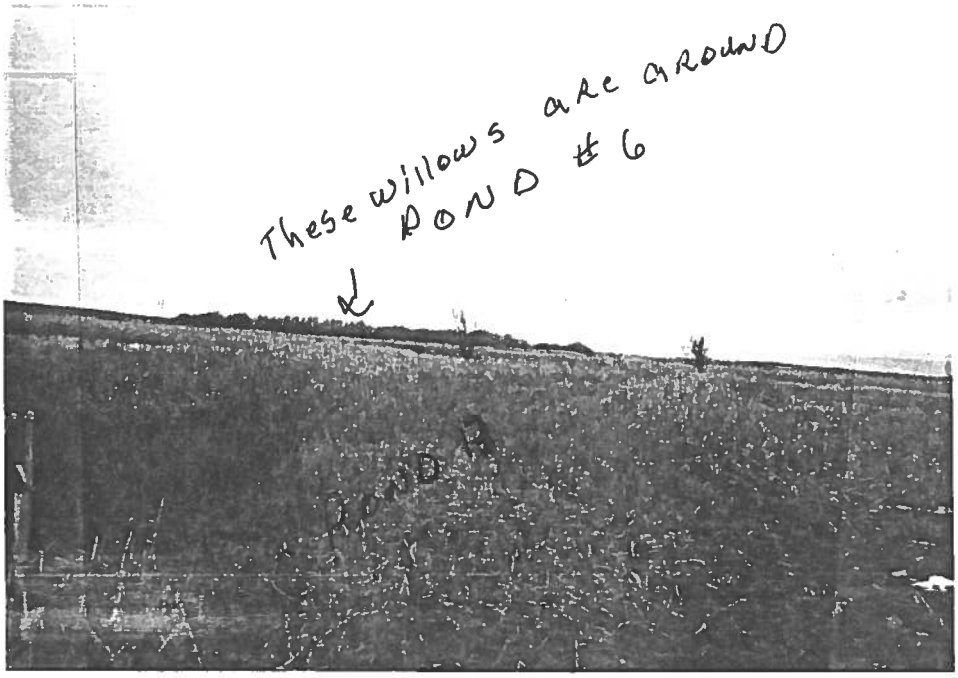


POND #11



POND #12

ORIGINAL
IN Field
Exam
36-08728



POND 13



POND 15

Original
IN Field
Exam
36-08728



POND 16



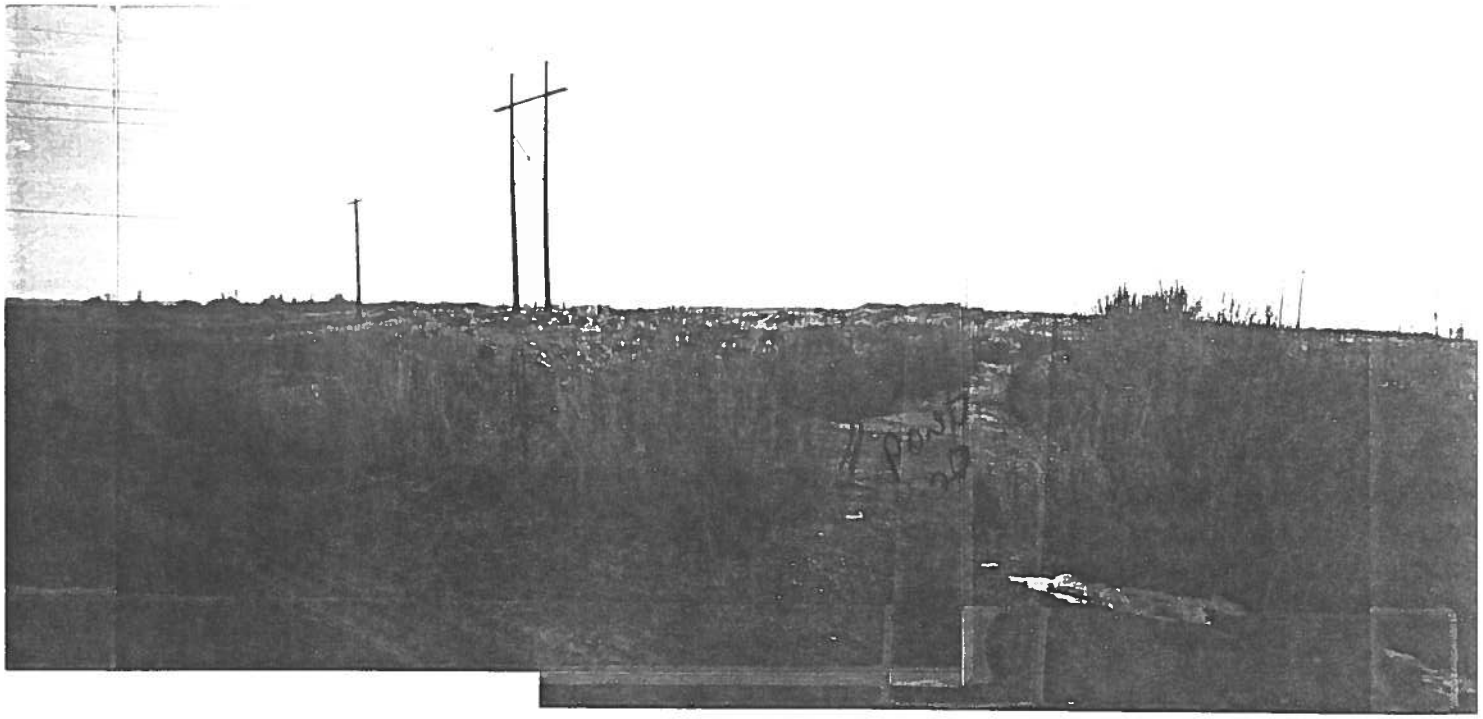


POND 17

Original
in Field
Exam
36-08728



POND #19



POND #20



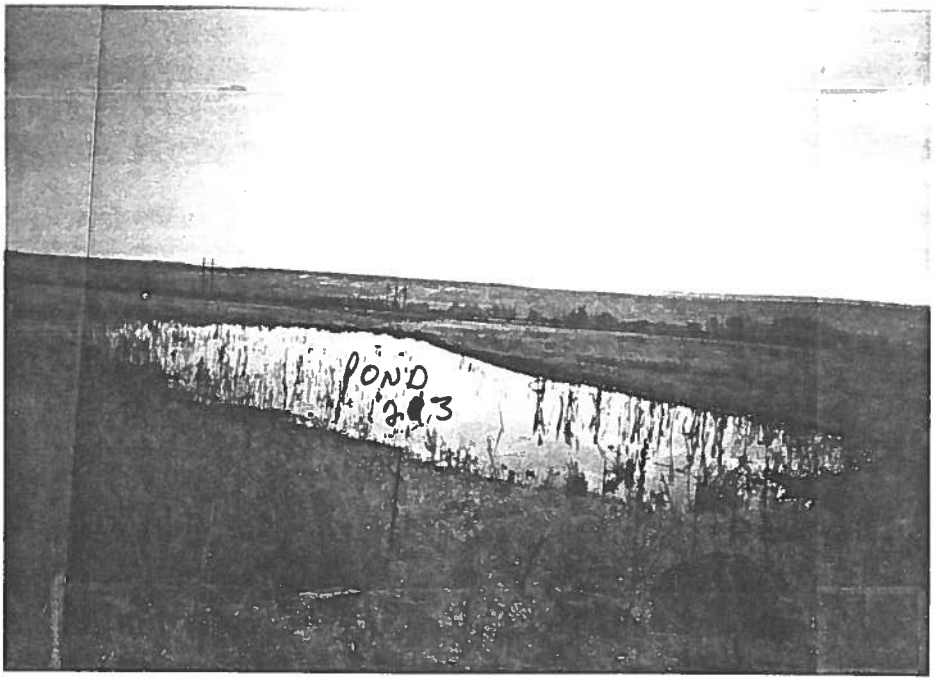
POND 22

IN FIELD
EXAM
36-08728

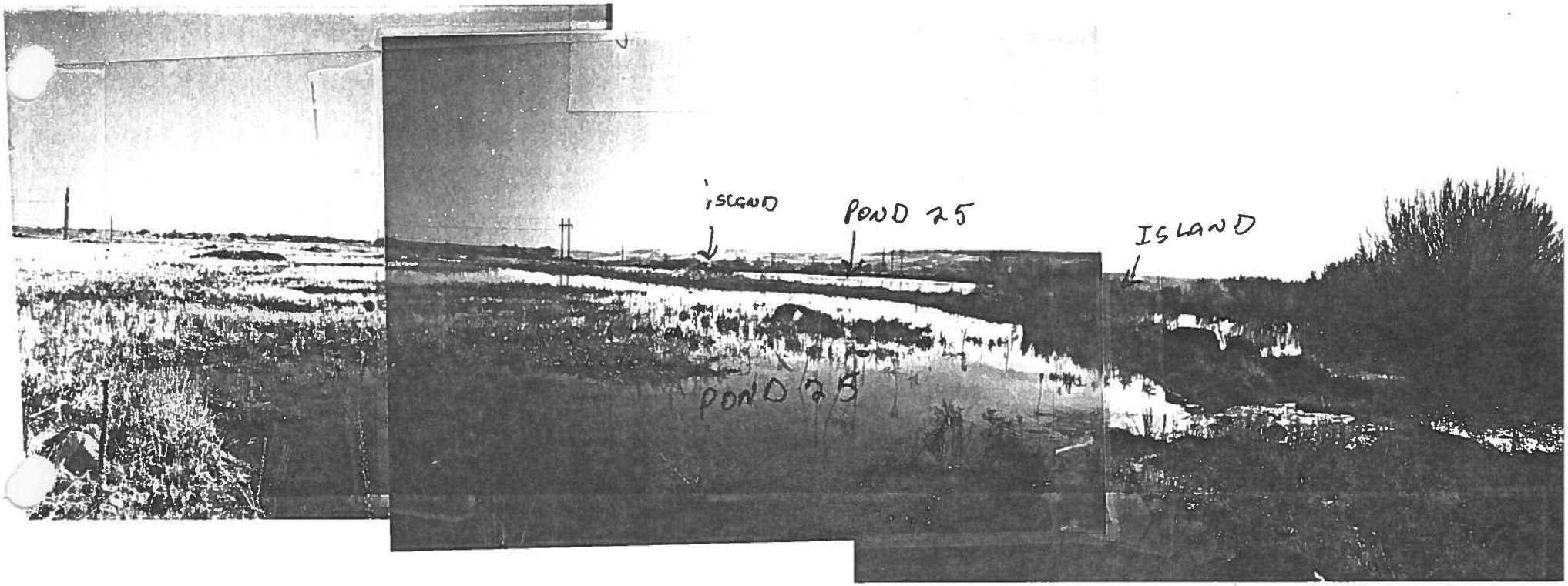
ORIGINAL
IN Field
Exam
36-08728



POND 24



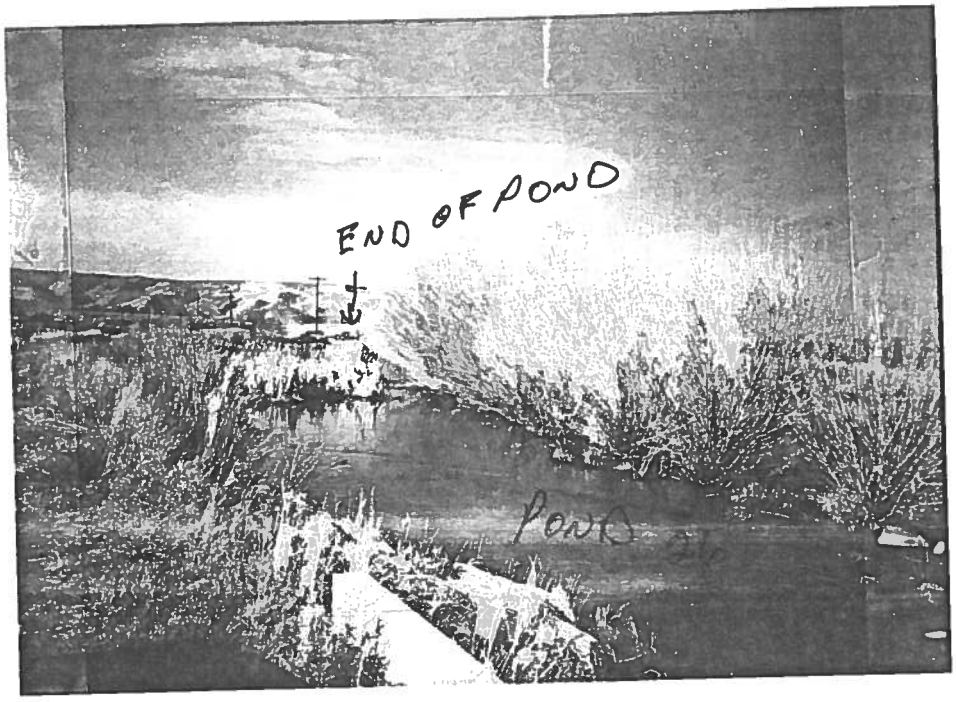
POND 23



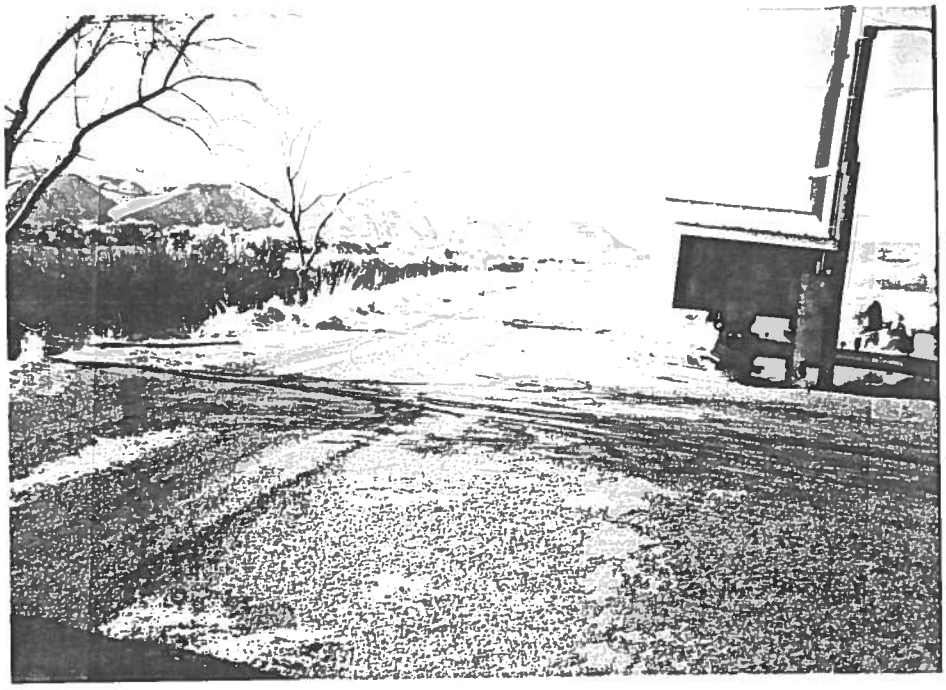
POND 25

IN Field
Exam
36-08728

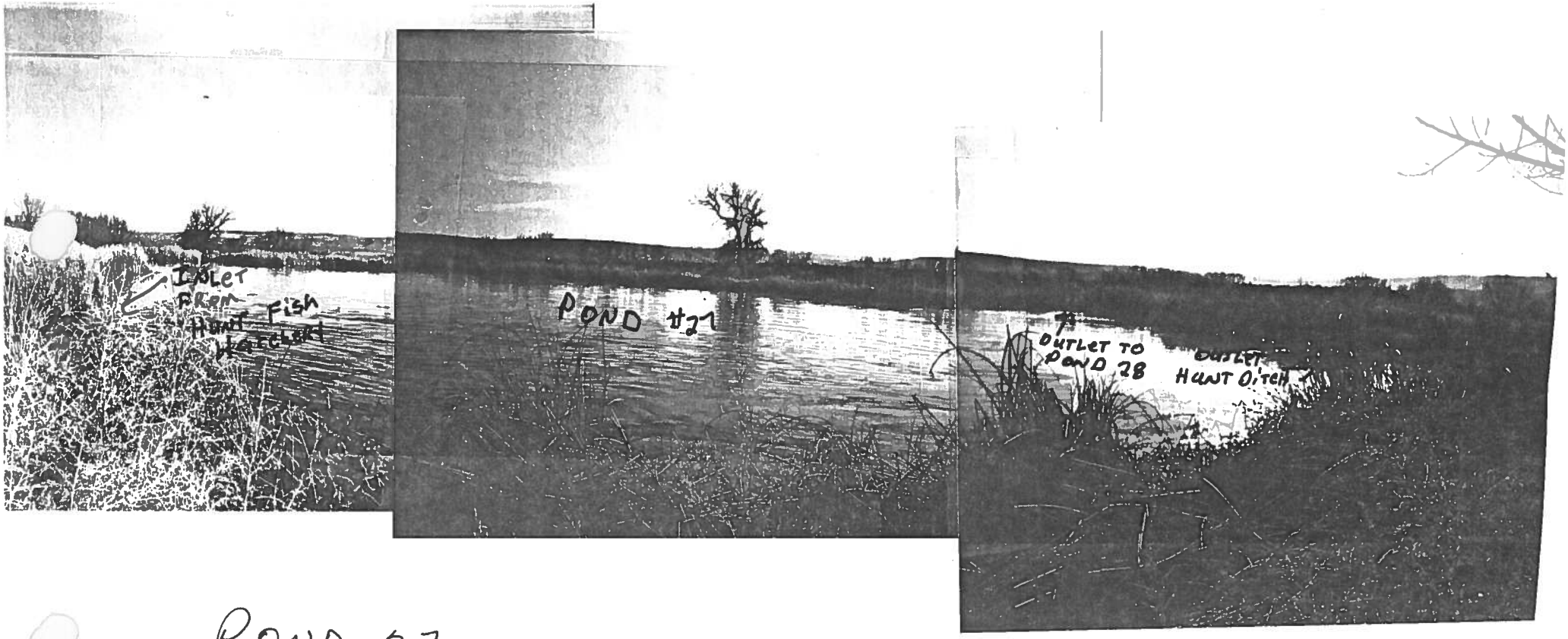
C.R. Gingo
IN Field
Exam
36-08728



POND 26



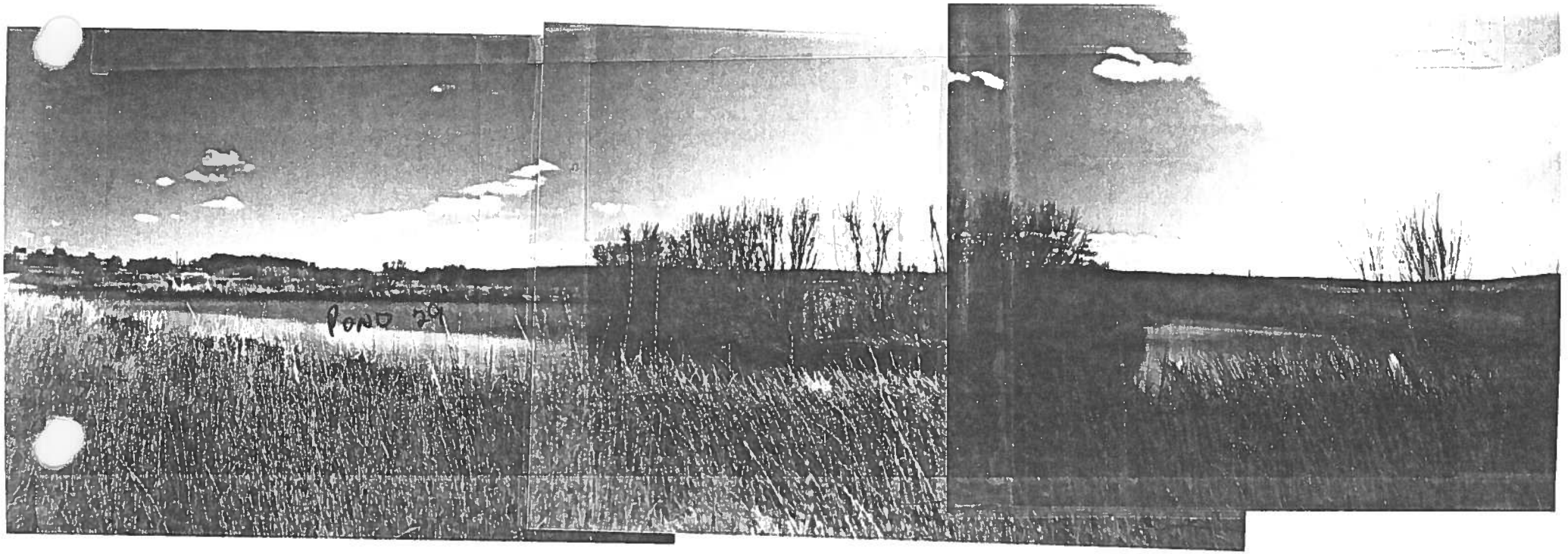
HUNT DITCH IRRIGATION PUMP



POND 27

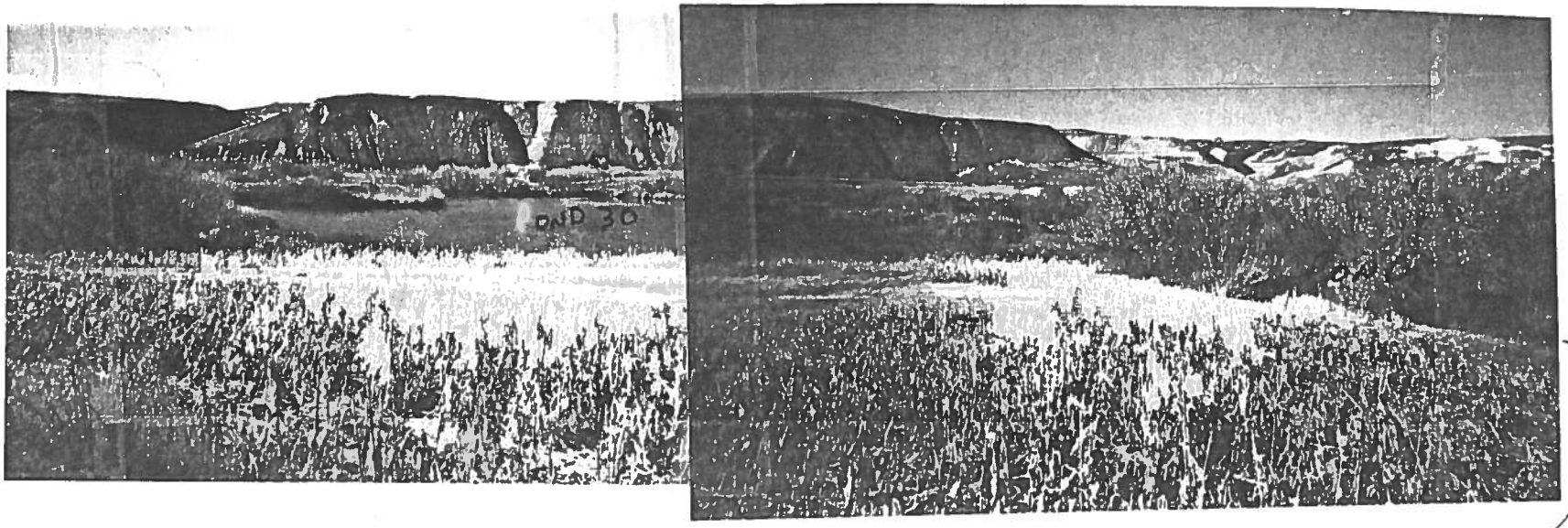
The OUTLET OF The HUNT FISH HATCHERY RUNS INTO POND 27 (shown) FROM POND 27 The WATER CAN EXIT INTO POND 28 AND OUT TO HUNT DITCH, Which CONTINUES ON TO HUNT/Buckeye Fish HATCHERY

IN Field Exam
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POND #29

IN FIELD
EXAM
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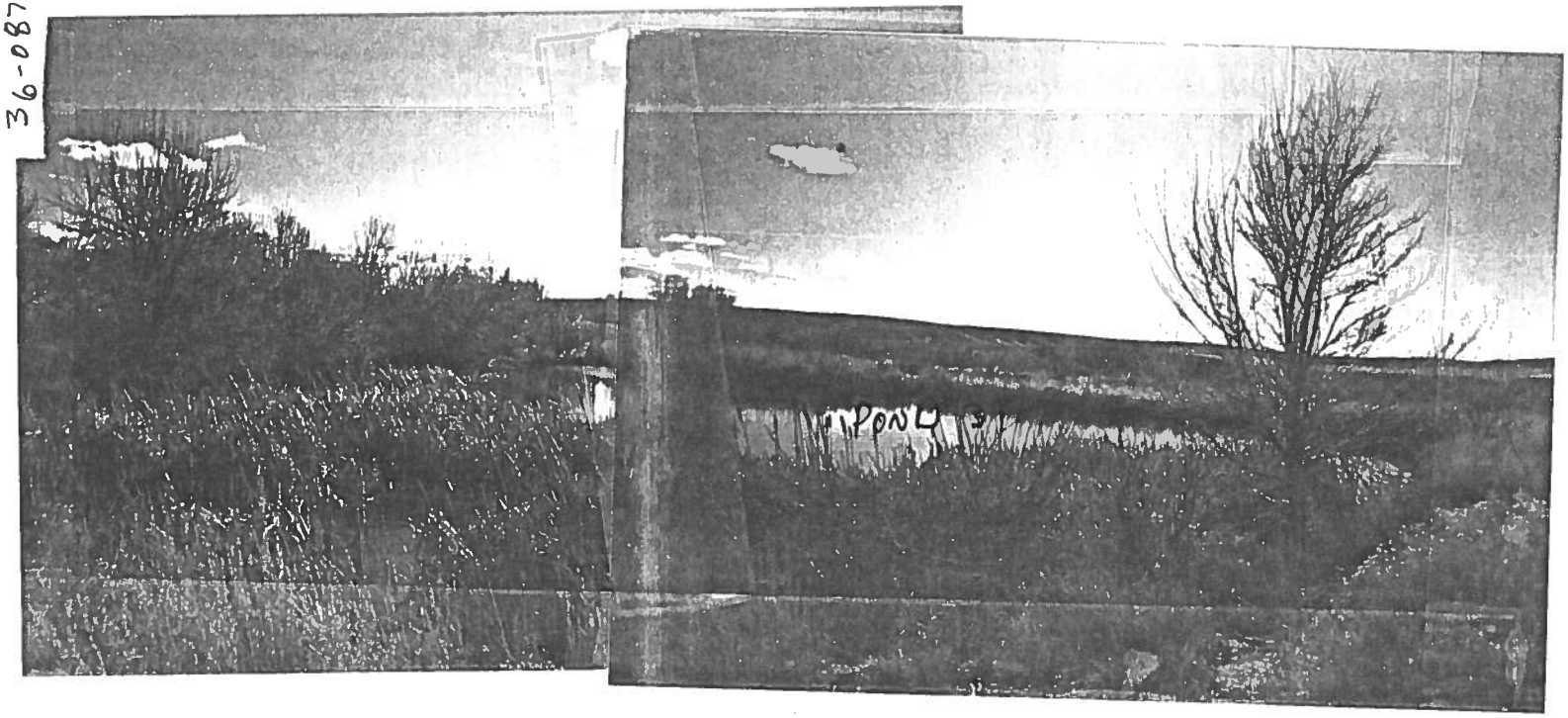


POND 30 : 33

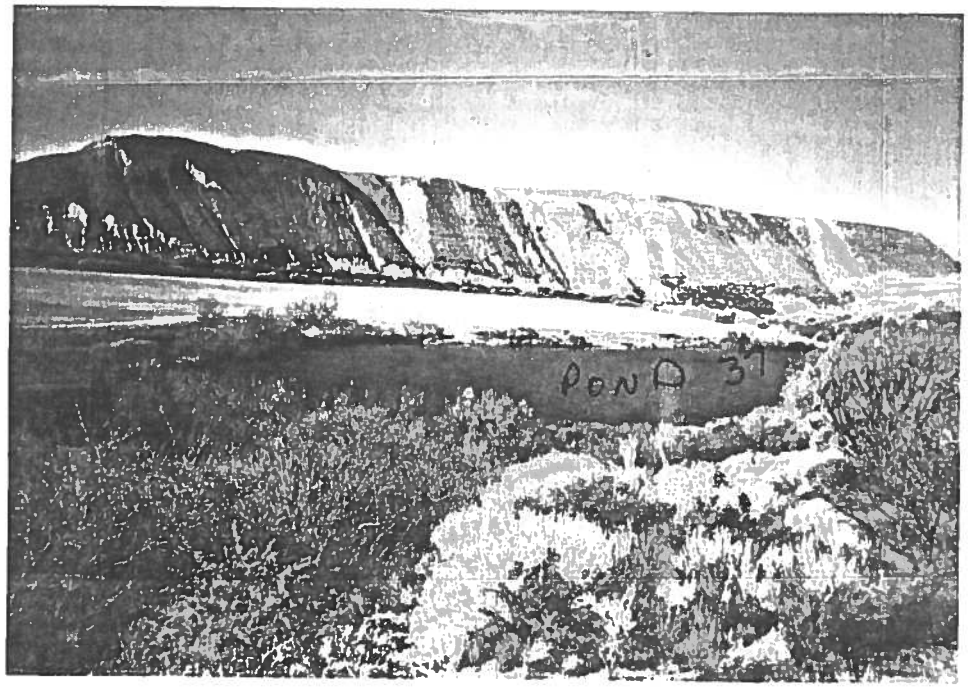


CR Signing
IN Field
Exam
36-08728

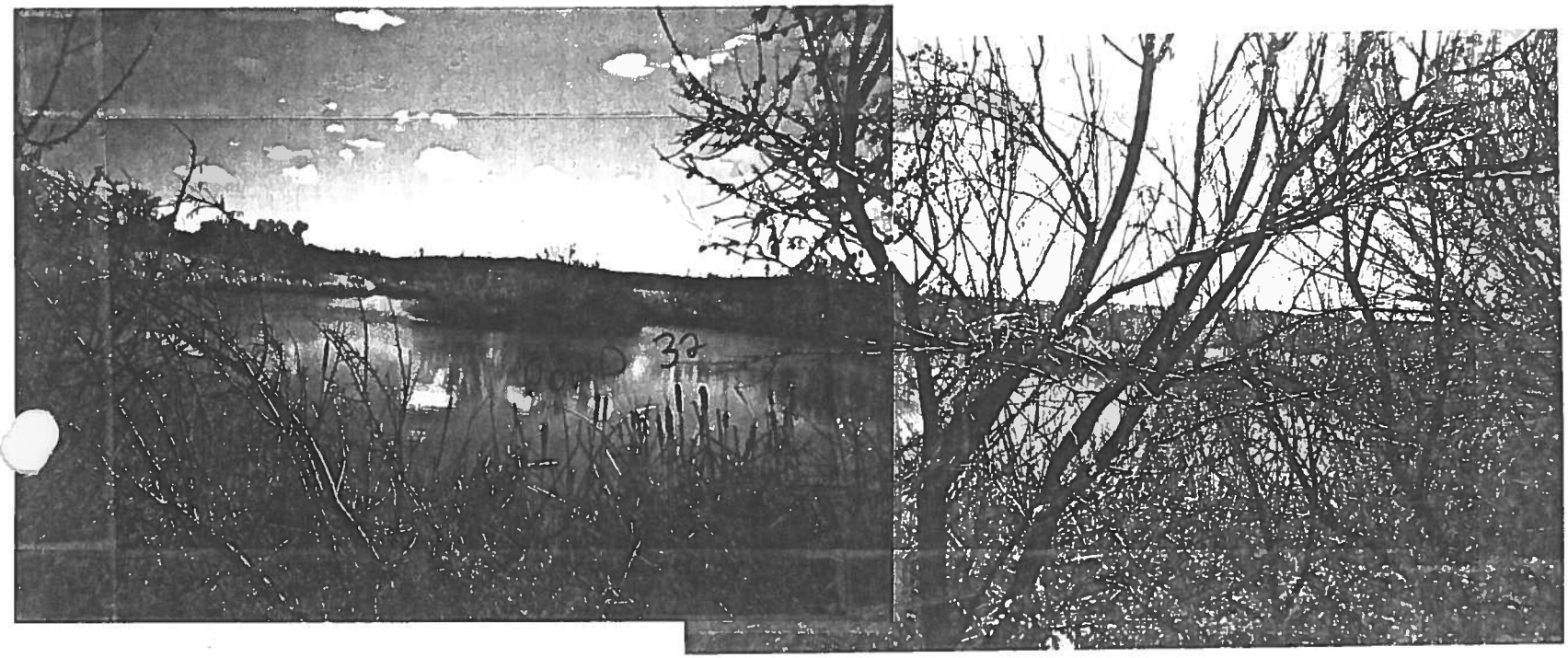
S. A. Signal
IN Field
Exam
36-08728



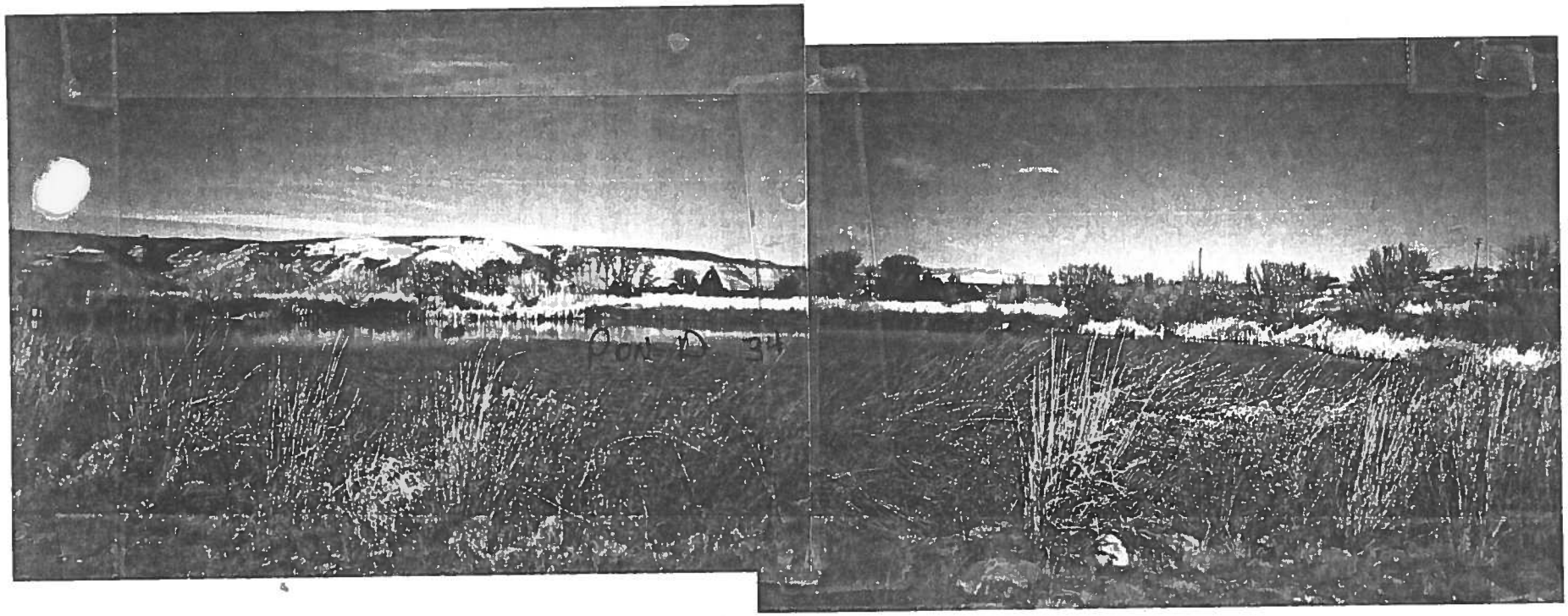
POND
31



POND 37



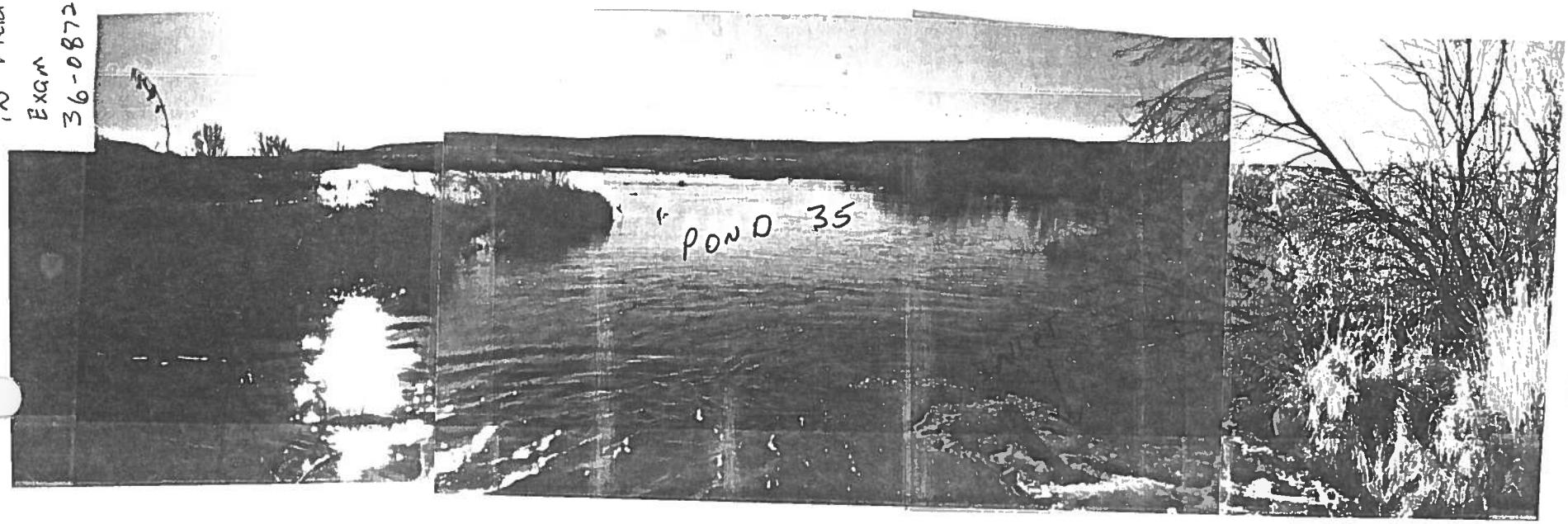
POND
32



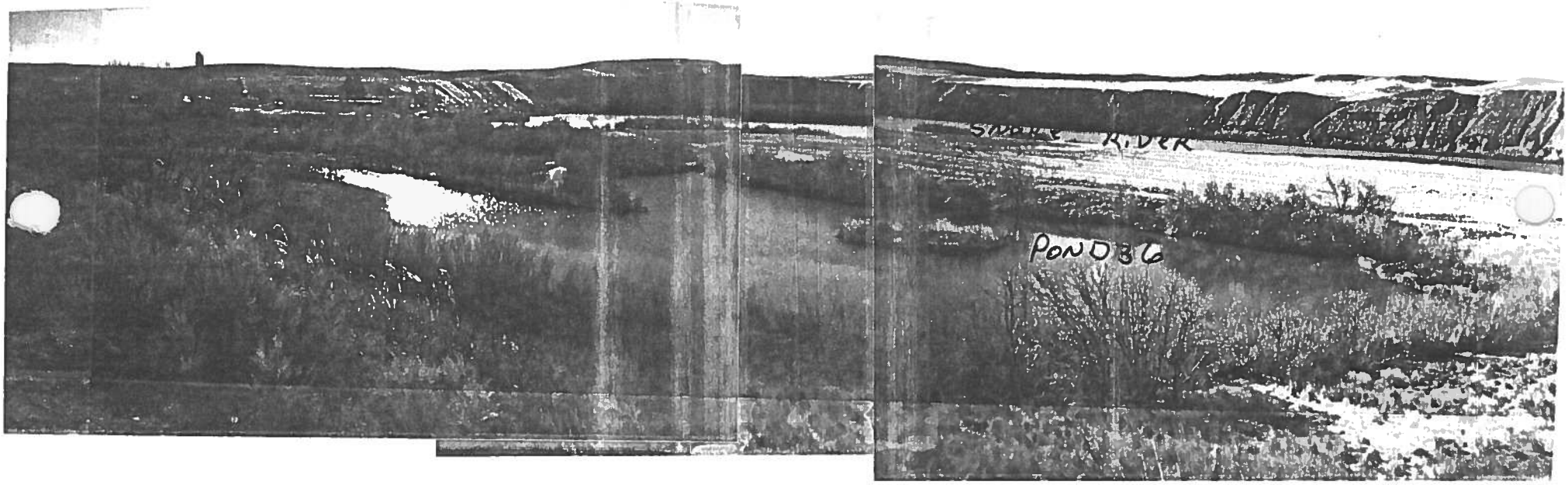
POND
34

ORIGINAL
IN Field
EXAM
36-08728

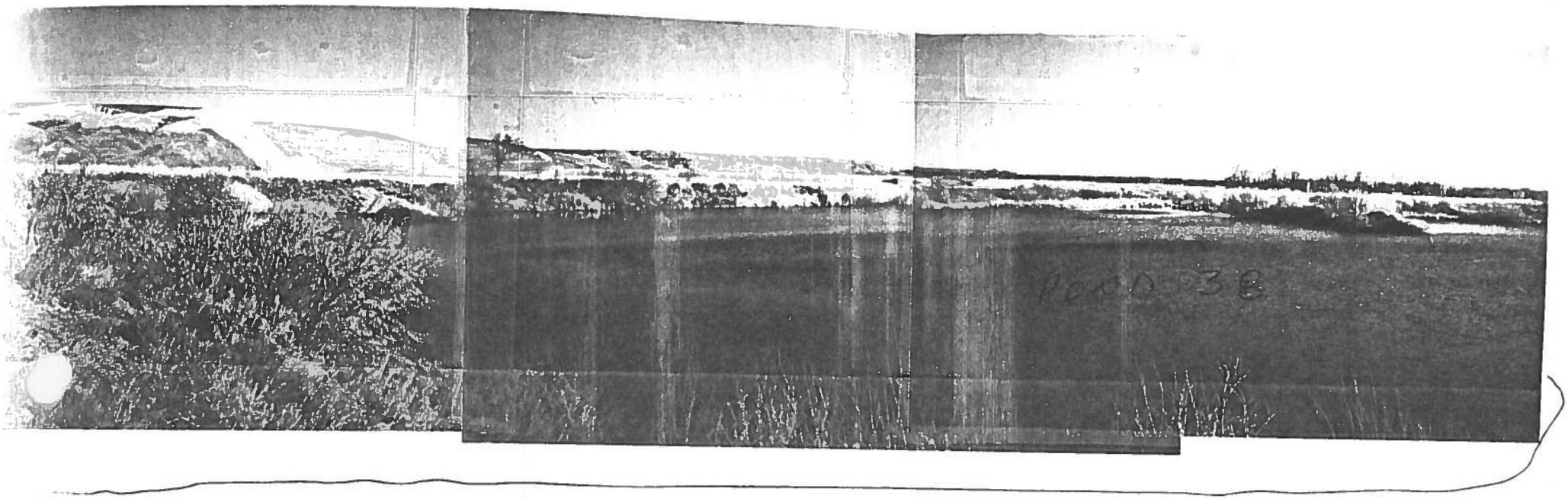
C.R. Engineering
In Field
Exam
36-08728

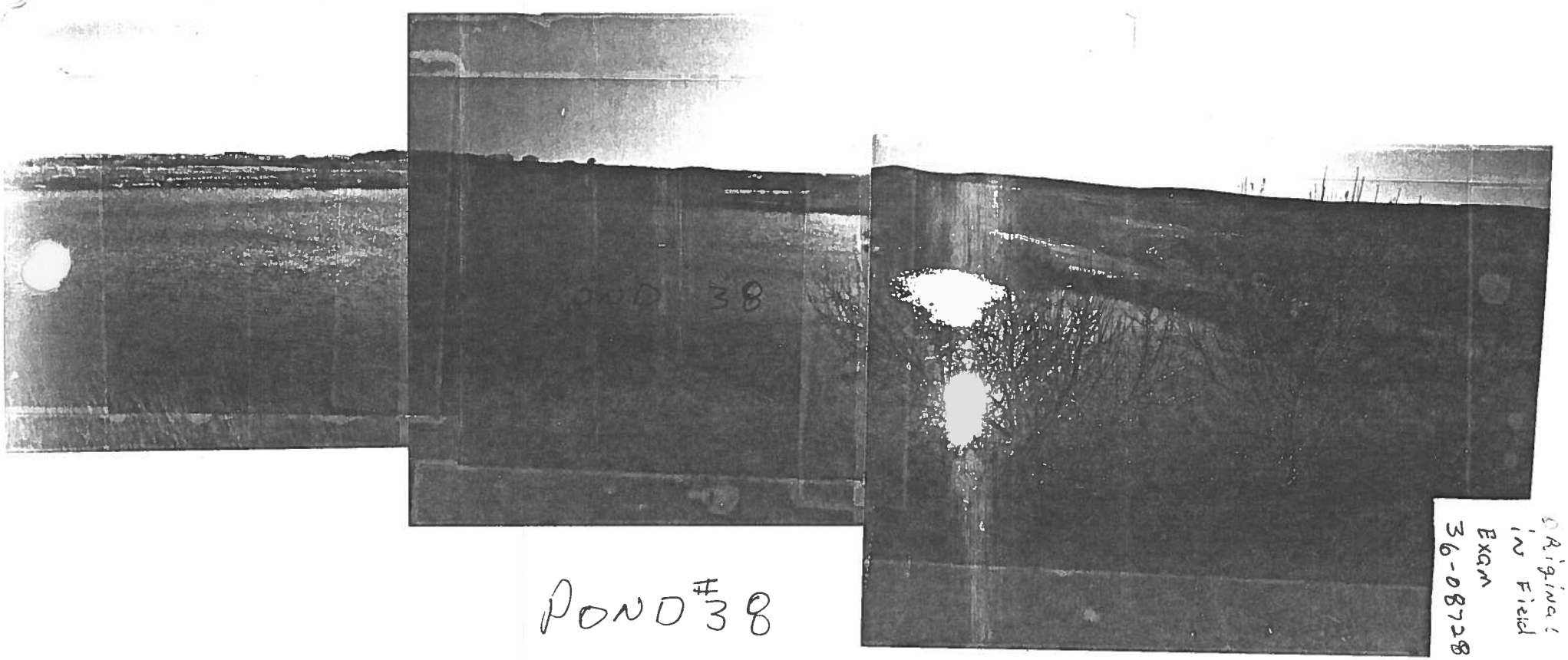


POND #35



POND 36

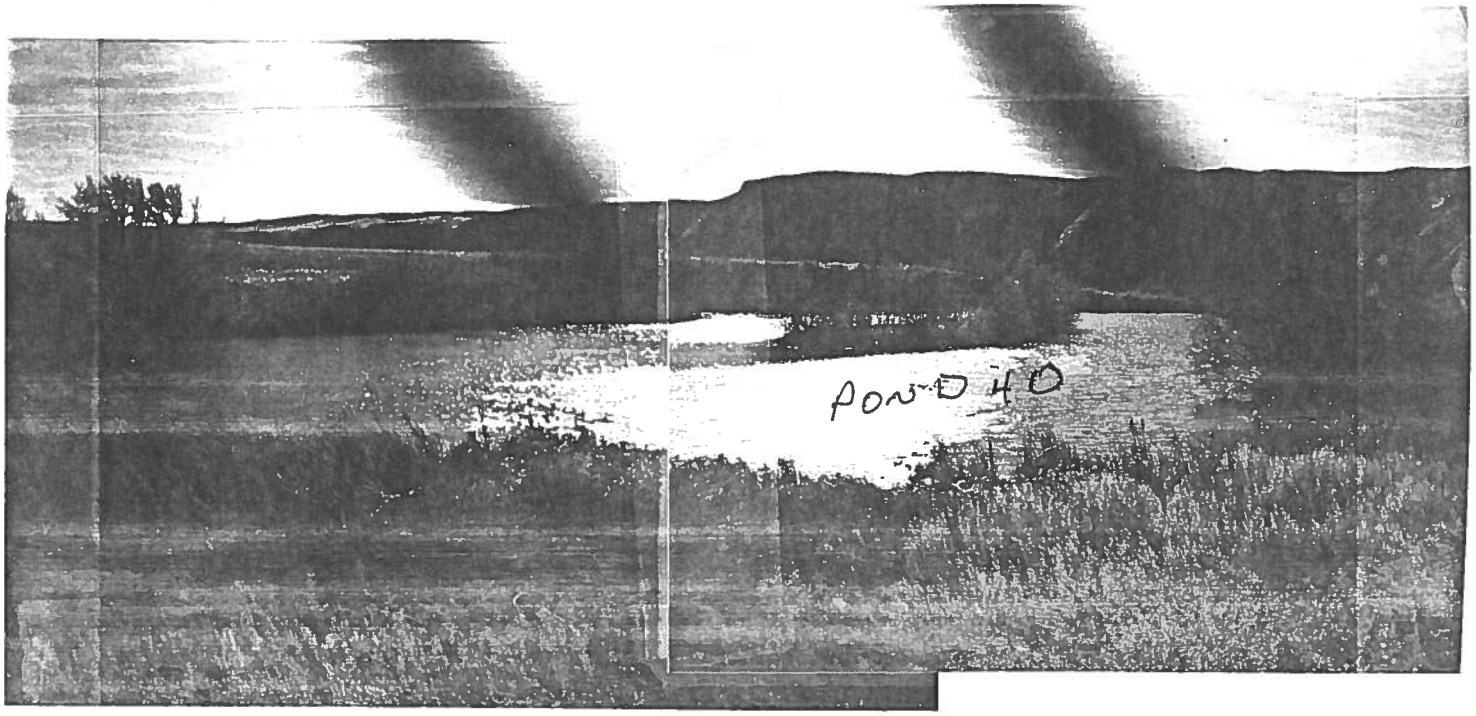




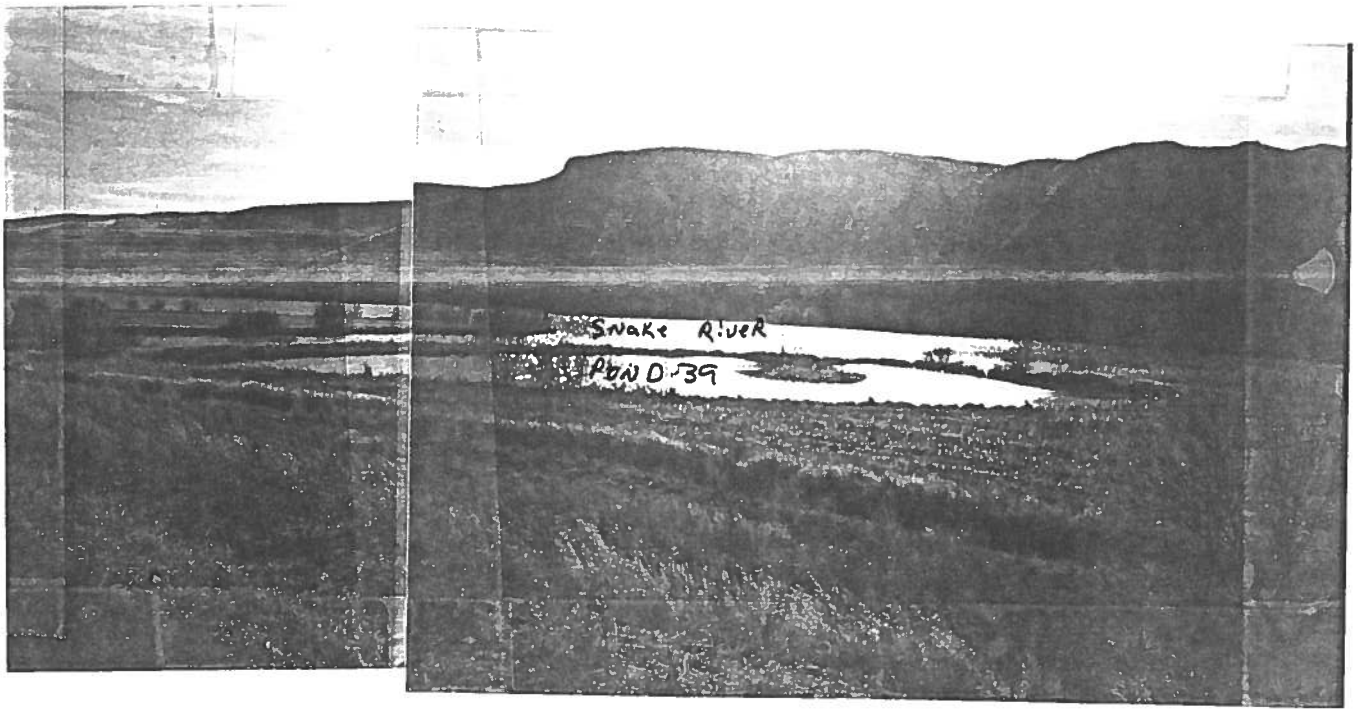
POND #38

ORIGINAL IN Field Exam 36-08728

ORIGINAL IN Field Exam 36-08728

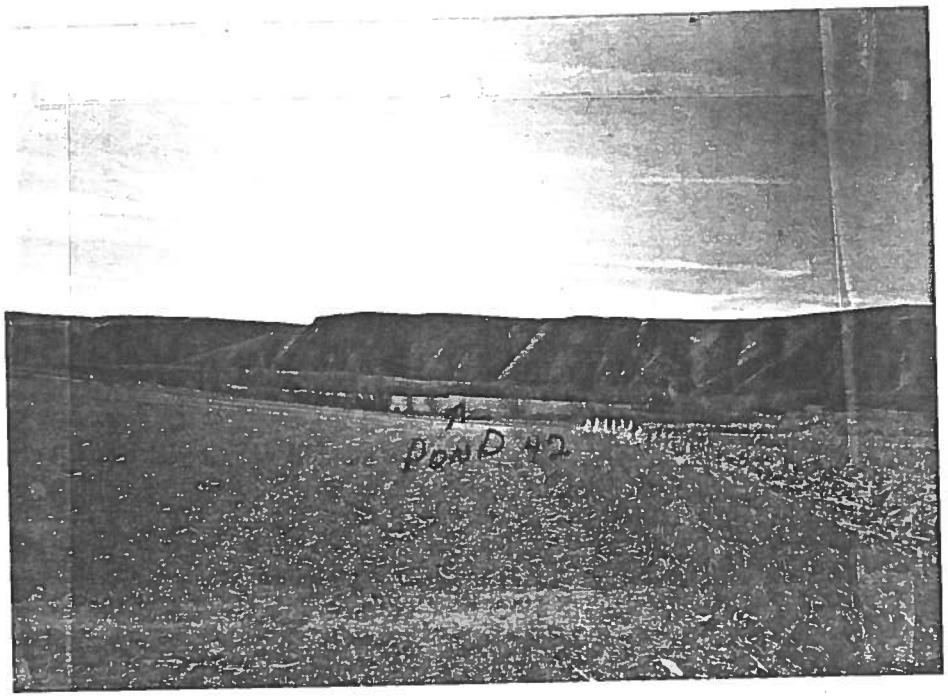


POND #40

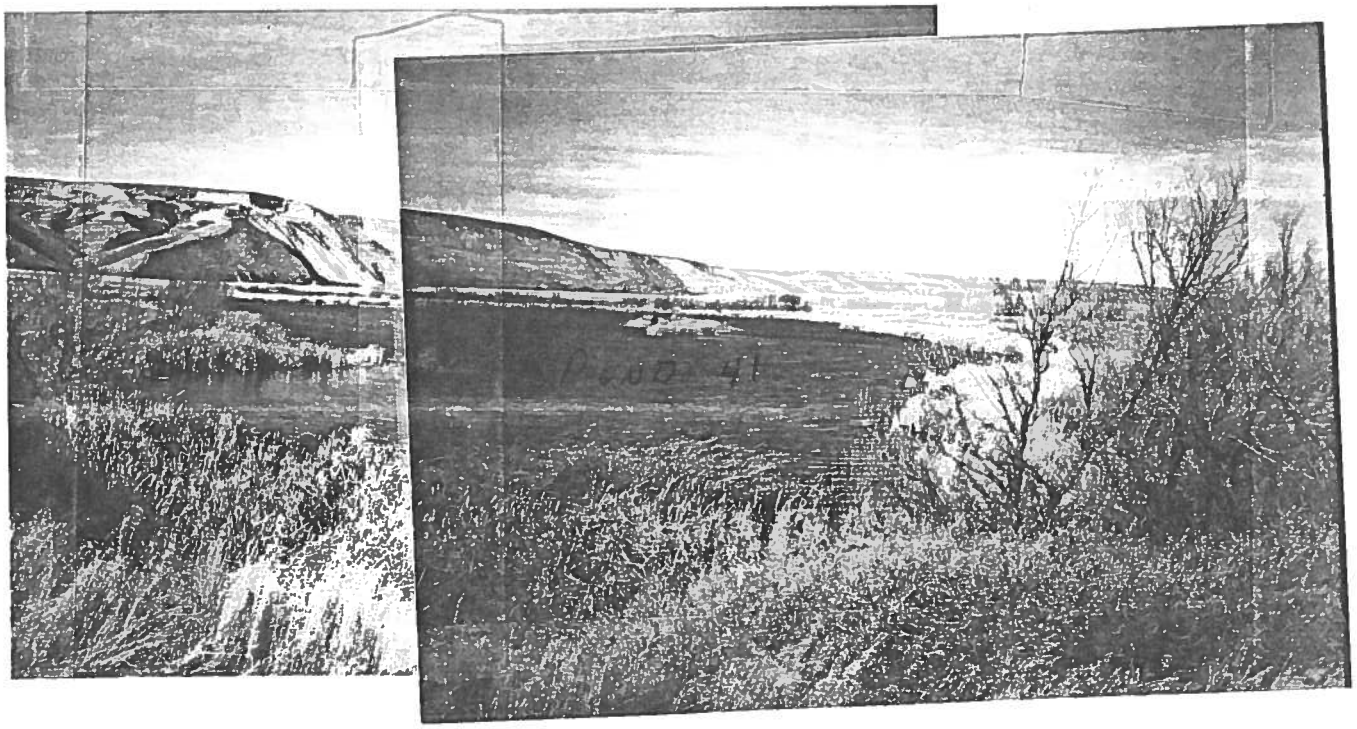


POND #39

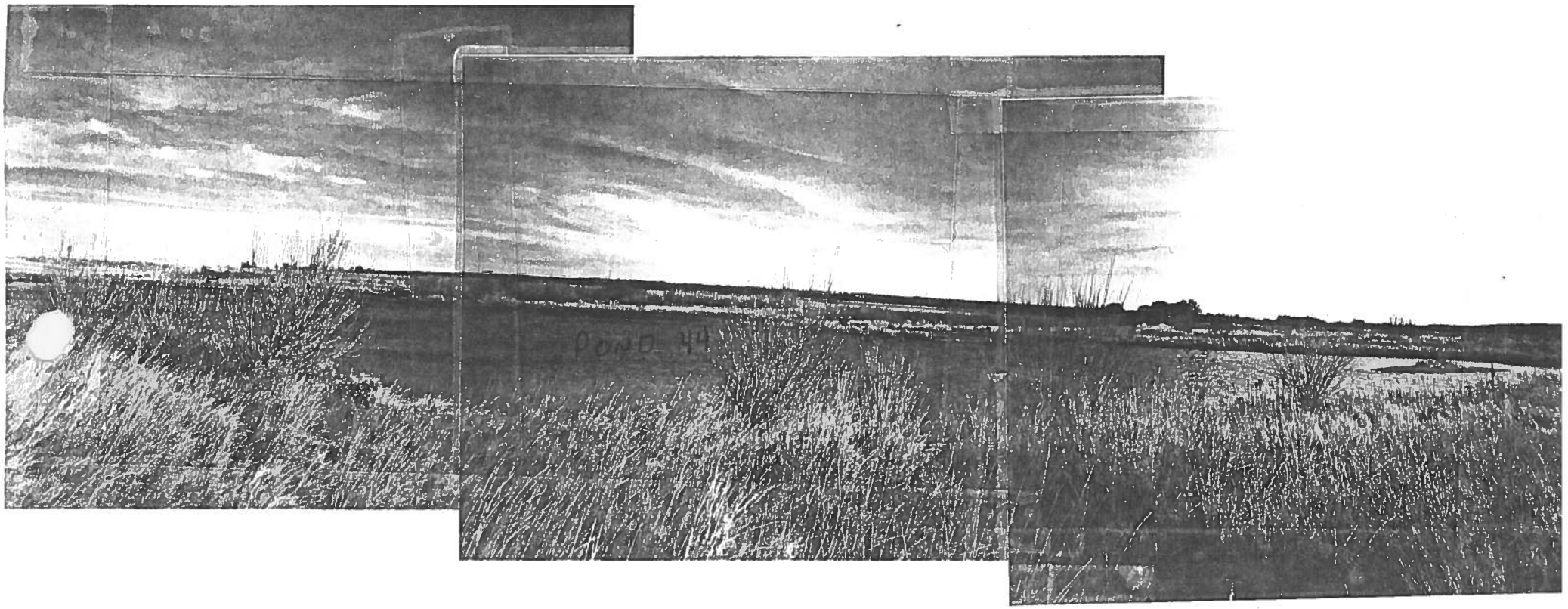
Original
In Field
Exam
36-08728



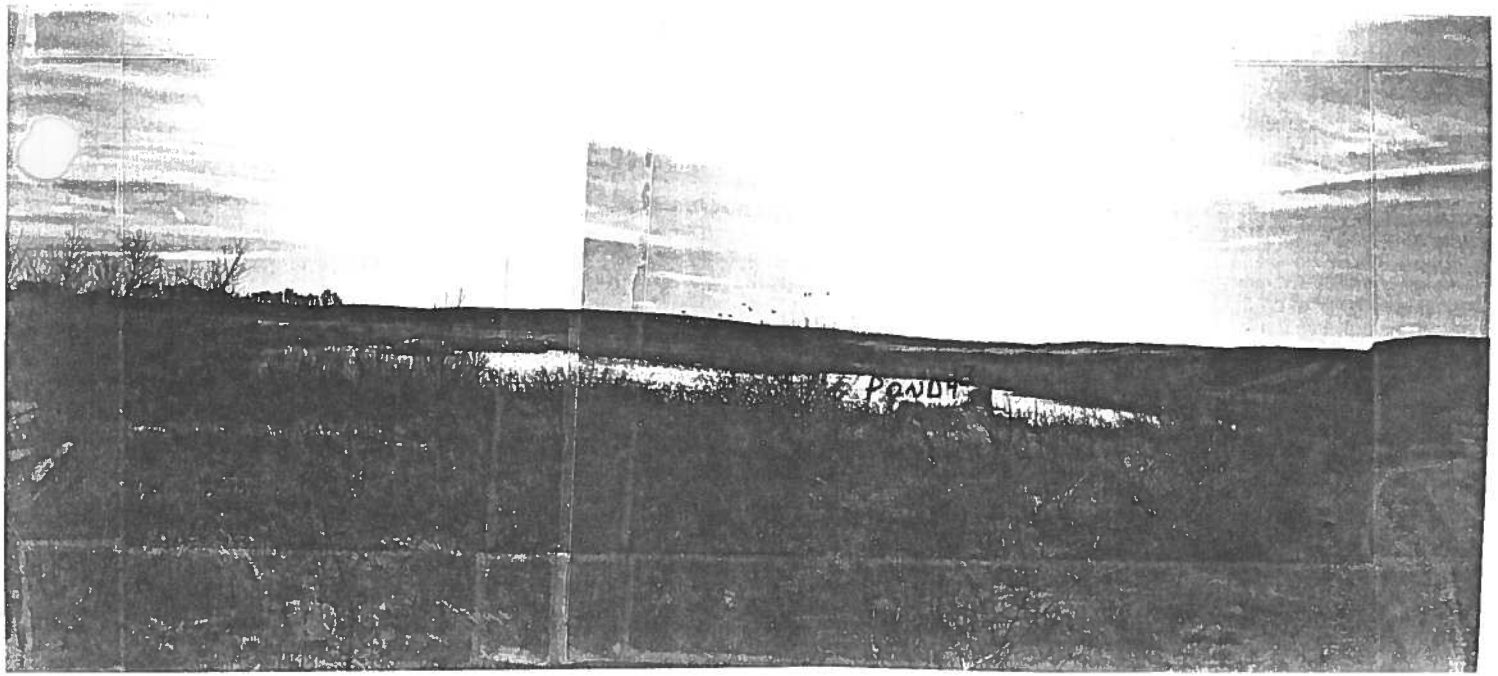
POND 42



POND 41



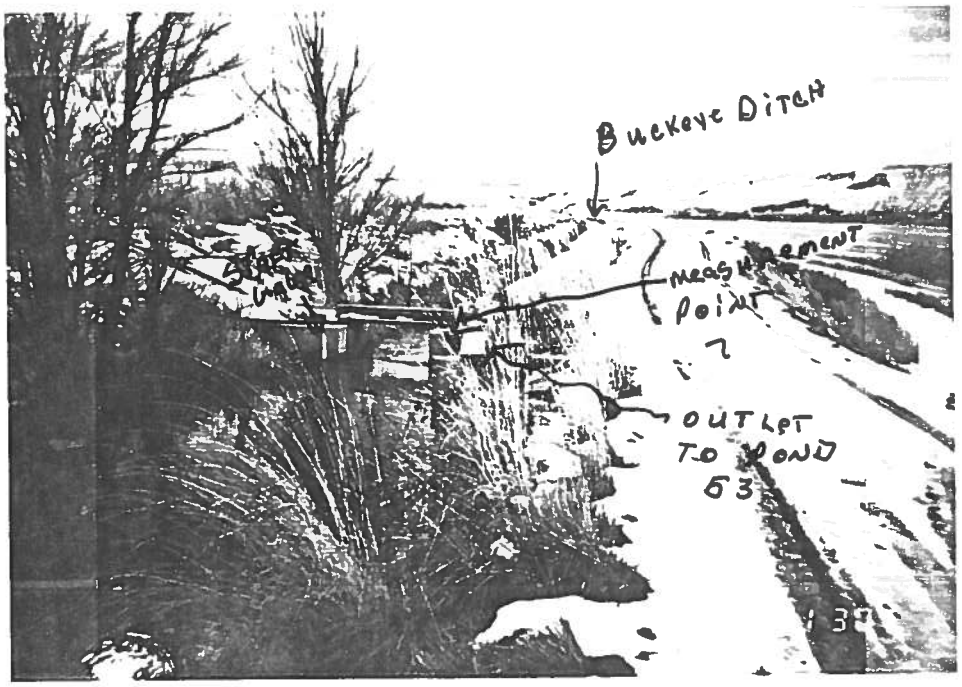
↑
POND 44



← POND 43

EXAM
36-08728

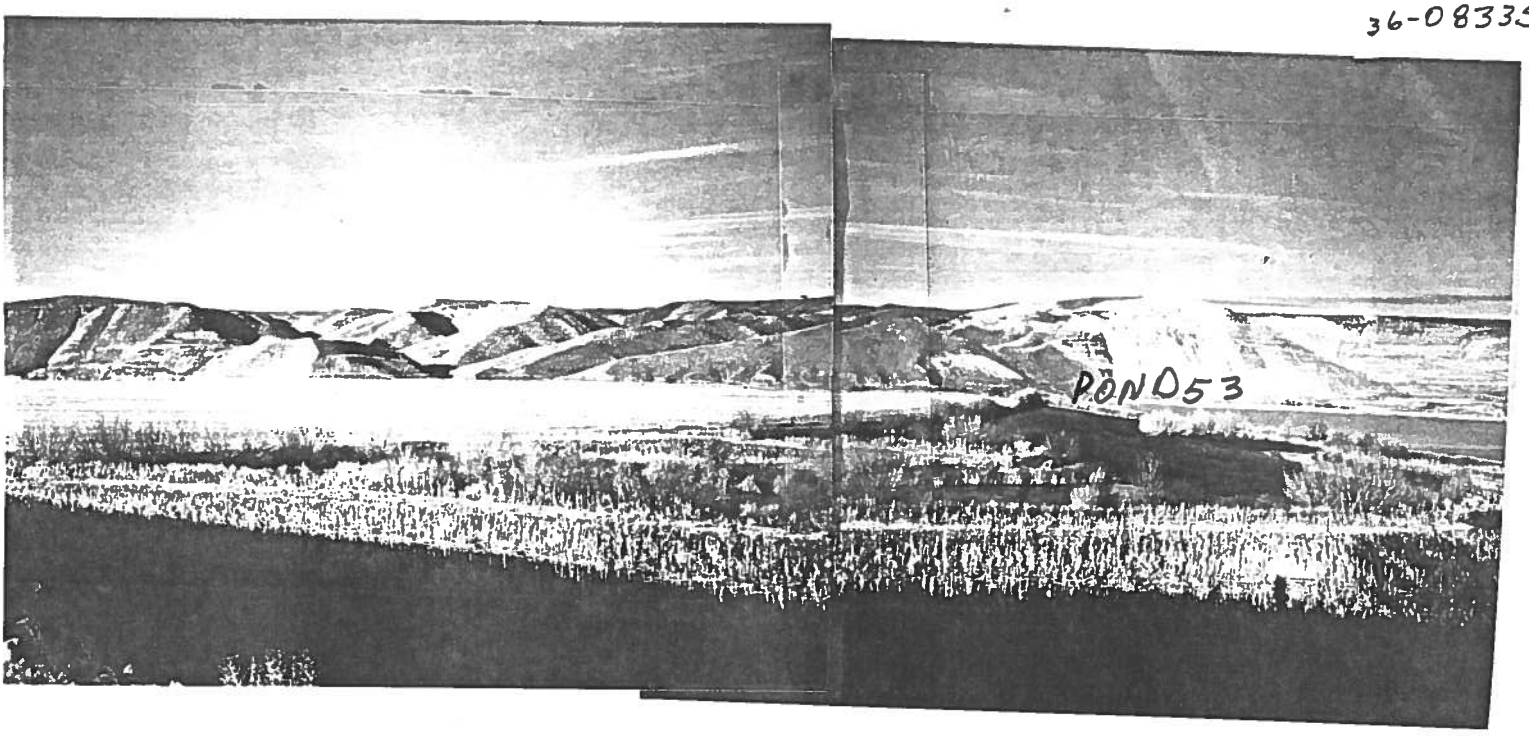
The originals are in Folder 36-08335



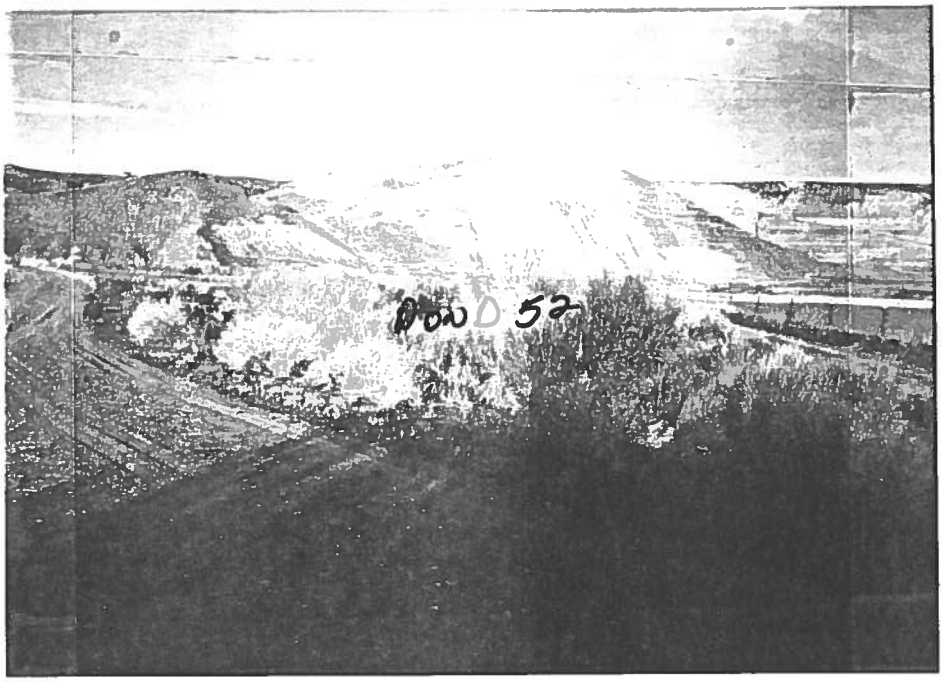
This is measurement point 7.

This Buckeye Ditch. The water can travel from this point to the Fish Hatchery and/or be diverted to Pond 53.

The originals are in folder 36-08335



POND 53

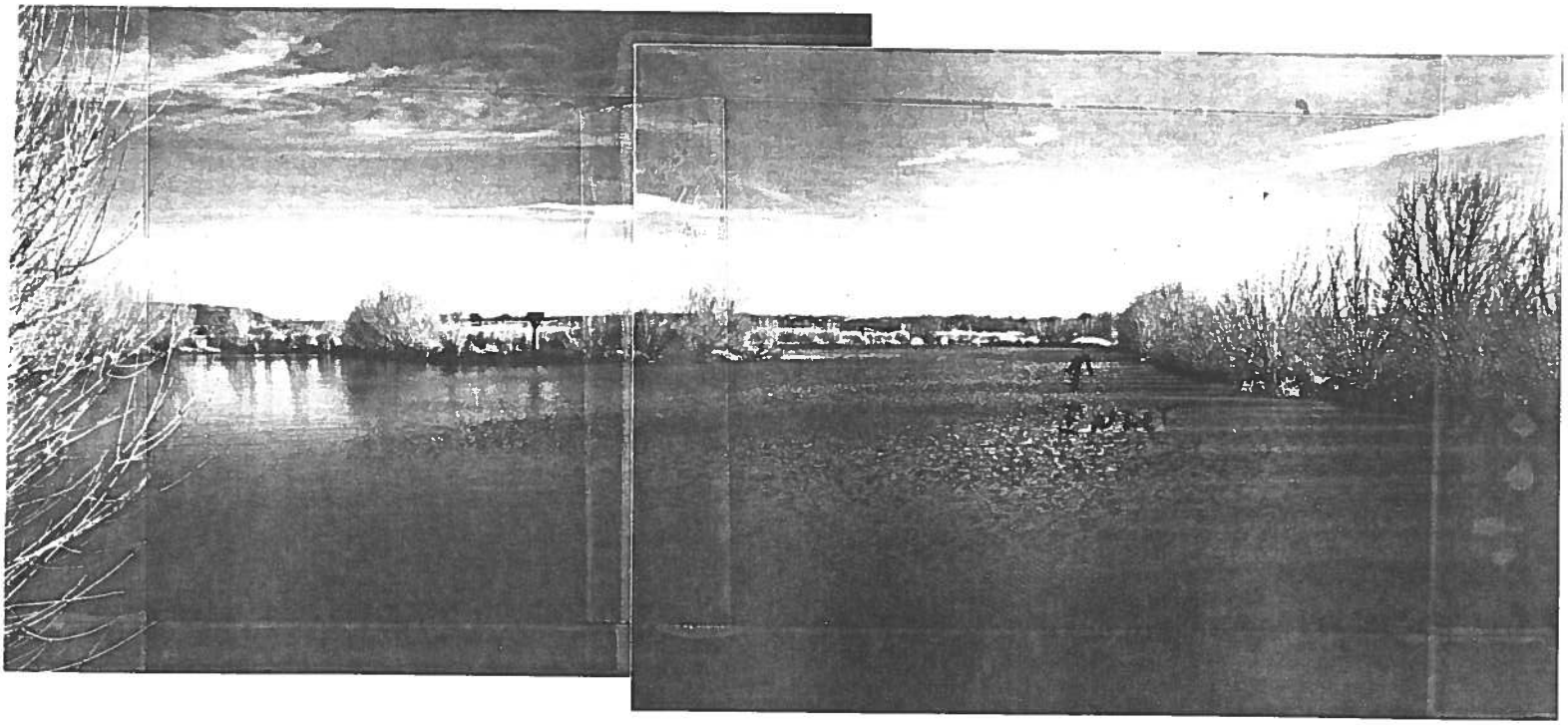


POND 52

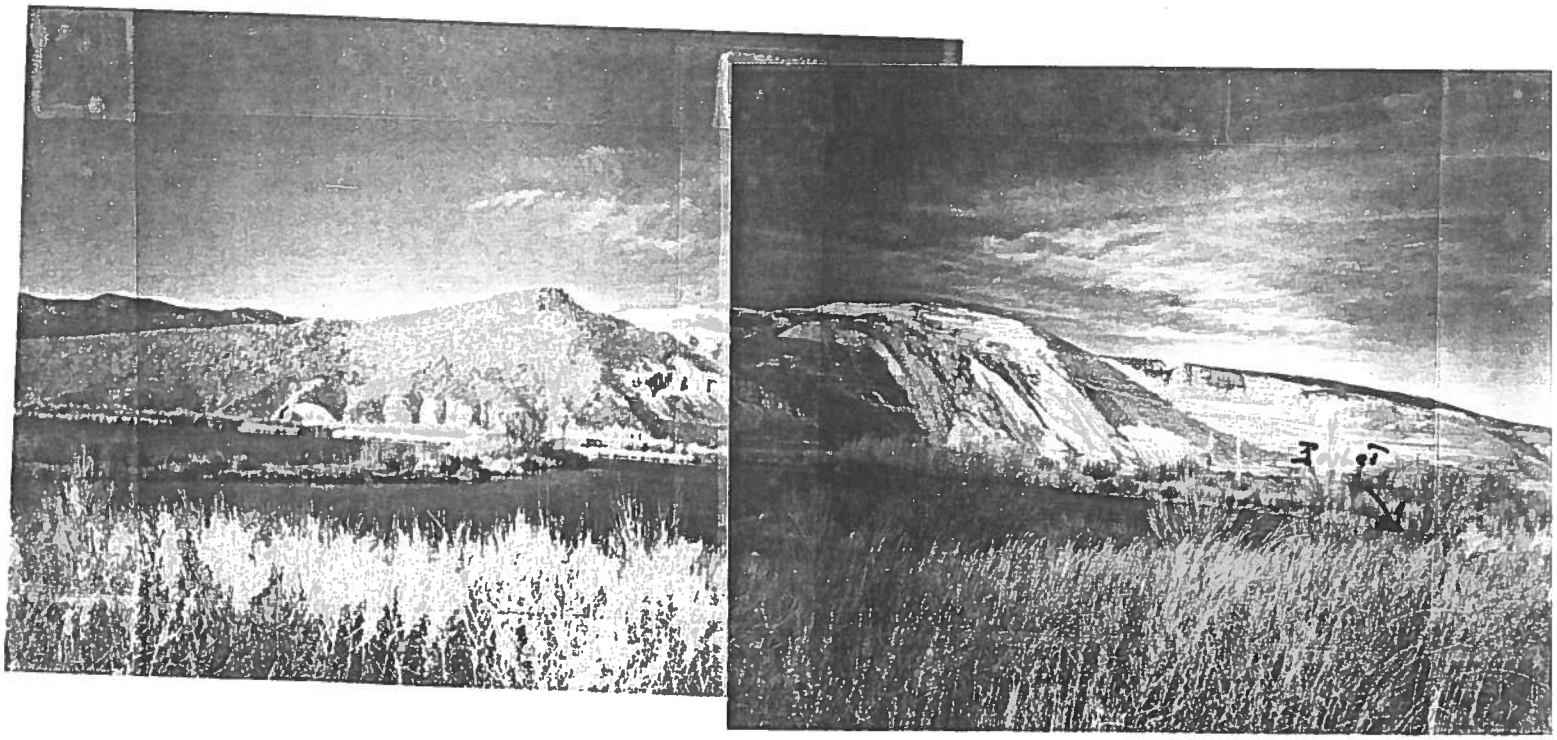
POND 51

The original are in Folder 36-08335

The originals are in folder 36-08335



POND 49



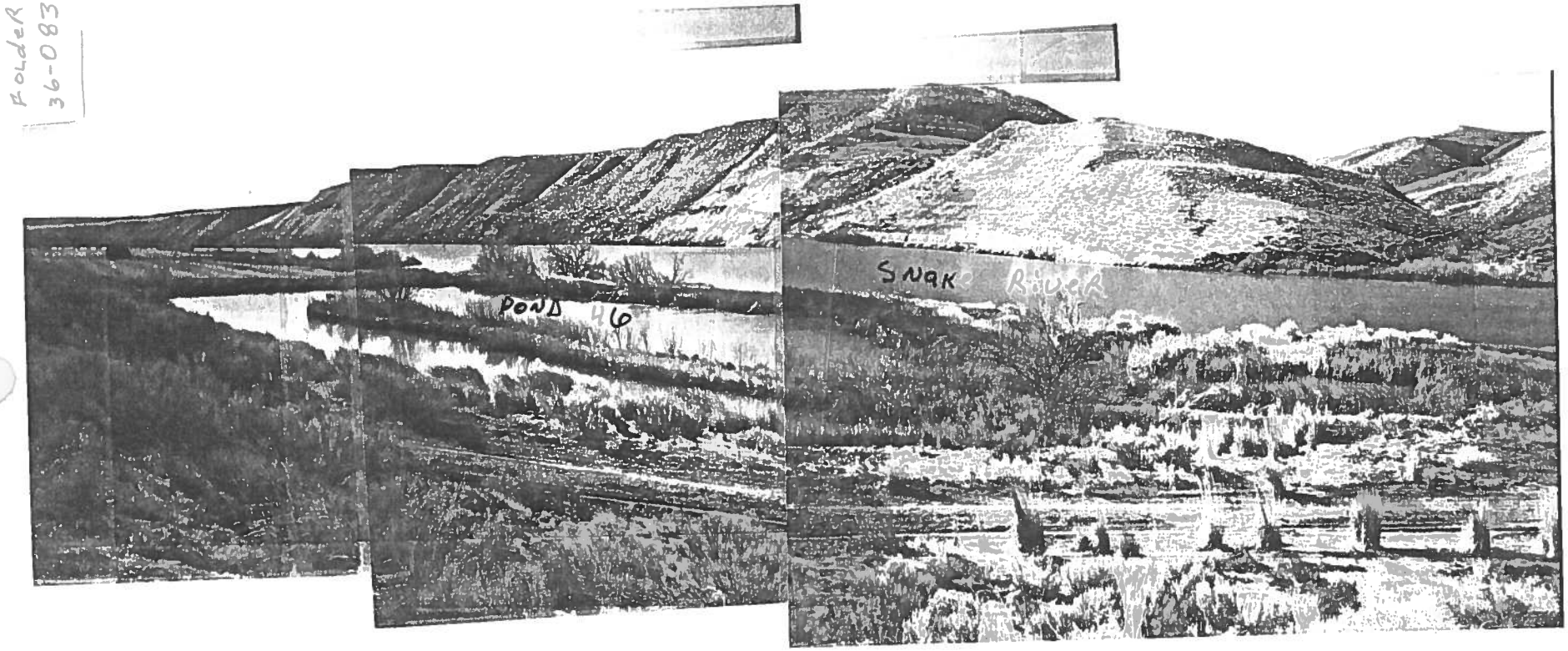
POND 50

POND 47

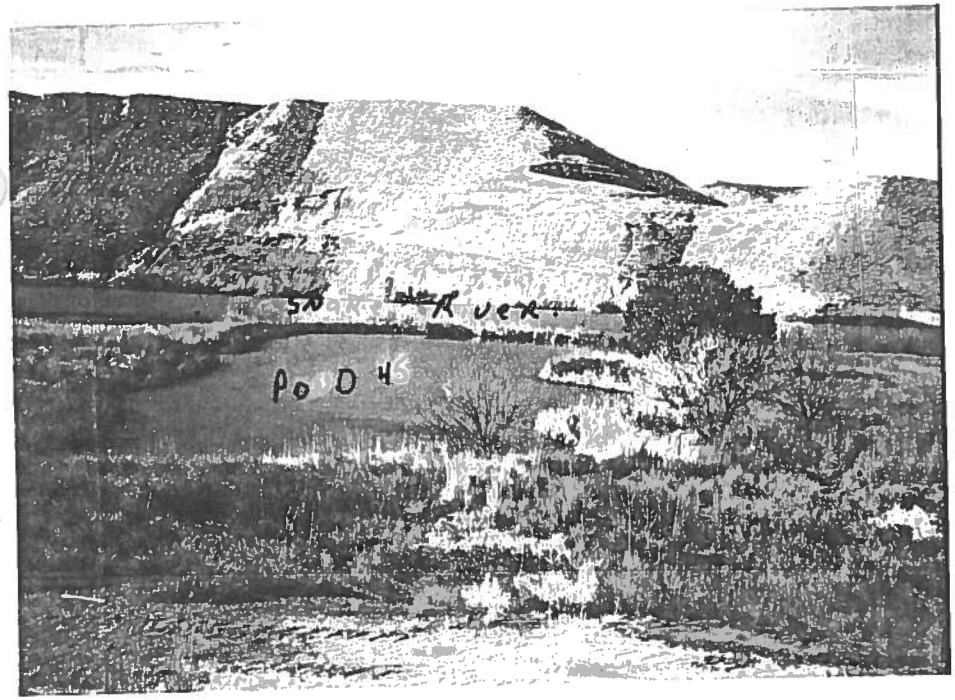
POND 48

TA = Original
are in
Folder
36-08335

The original are in Folder 36-08335

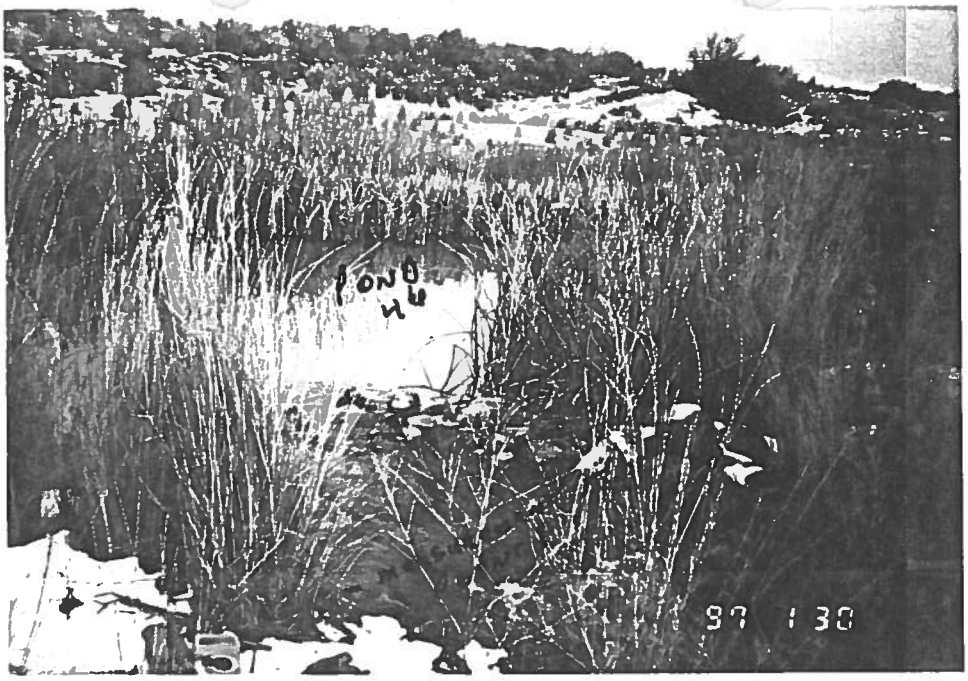


↑ POND 46

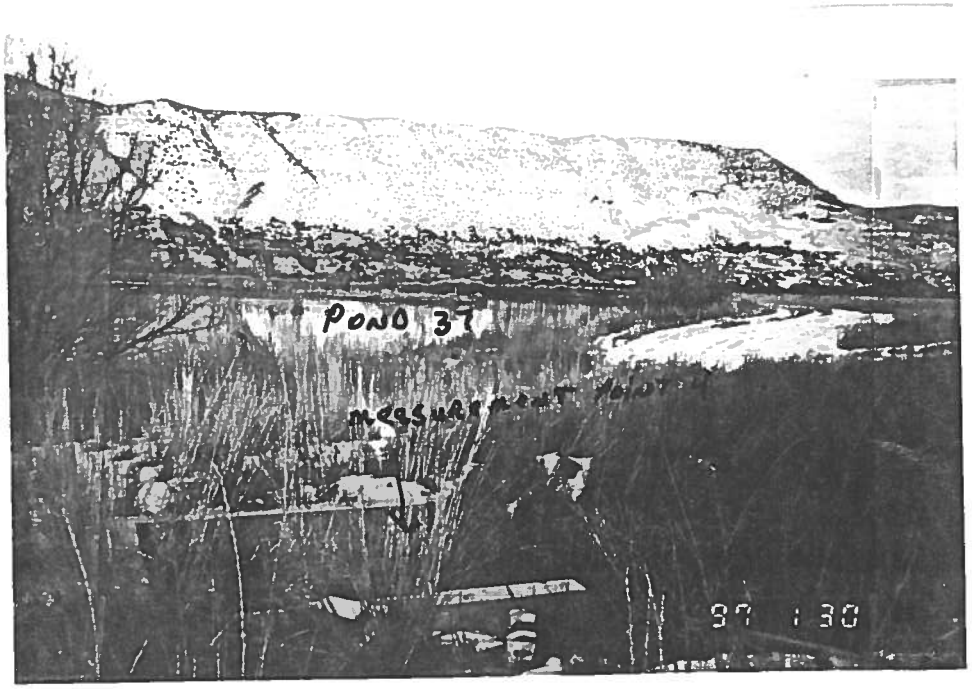


← POND 45

The ORIGINAL ARE IN FOLDER 36-08335



Measurement #1
This is the outlet of Pond 46



This is measurement point 4.
It is the inlet to Pond 37

Post Office Box 737
Hagerman, Idaho 83332

Western Legends LC

Telephone (208) 837-6641

December 9, 1998

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

RECEIVED
DEC 09 1998
Department of Water Resources
Southern Region

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

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

Dear Allen:

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

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

Please send all notices to:

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

Thank you for your cooperation in this matter.

Very truly yours,

WESTERN LEGENDS LC

Michael McCarthy
Co-Manager

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 20, 1994

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

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

Dear Mr. Simpson:

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

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

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

I will be waiting for your response.

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

Sincerely,

Cindy Zimmerman

CINDY ZIMMERMAN
Water Resource Agent

JUN 28 1994

Water Right Number - P36-07740 Prefix Translation: PERMIT Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
BUCKEYE FARMS INC.		1 - 18335 US HWY 30 2 - 3 - City- HAGERMAN State- ID Zip- 83332 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
WEATHERBY SPRINGS	BILLINGSLEY CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
07S	14E	30	NE SW			(47) GOODING			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
19	FISH PROPAGATION	01/01	12/31	10.000	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
10.000		

Place of Use

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

Diversion Means - 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 - P36-07740 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 36-08728.

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					

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

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

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

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

RECEIVED
JUN 08 1994
Department of Water Resources

June 7, 1994

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

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

Dear Dave:

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

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

Thanks very much for your help with this matter.

Sincerely,

/s/ John K. Simpson

JOHN K. SIMPSON

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

JUN 28 1994

Shaw —

Let's discuss.

MEMORANDUM

TO: Norm Young
FROM: Bob Fleenor
DATE: December 29, 1993

RE: PRIORITY OF PERMITS 36-7740,41 AND 42
BUCKEYE RANCHES

From a review of the file I'm not sure there was ever a taped record made of the original conference/hearing. Mike Steele, the regional supervisor at that time, apparently held these conferences. I think they were only conferences since a proposed agreement was drafted and circulated among the parties. Before a final agreement was reached Mr. Steele left his position with the department. Since Mr. Steele was the only department personnel that attended the hearing the only hope we had was that he had made a record of the conference/hearing so that a decision could be reached when some of the parties refused to sign the agreement.

Buckeye Ranches could have filed applications for the new uses of water on September 24, 1987 instead of amending the existing applications. If the original applications had been issued then they would not have had the option of amending the 1977 filing. Two resons other than ignorance could have influenced them to amend the 1977 filing. First, if the priority wasn't changed to the date of the amended filing they would gain the advantage of having the 1977 priority on the new uses. Second, there was no additional filing fee since there was no additional rate of diversion requested. The fee saved was $1,055. If the permits are bifurcated then this fee should be paid as if the filing had been made. The permits issued afer being amended were clearly marked as having a 1987 priority date which apparently wasn't questioned until the adjudication claim reflected that priority.

I would suggest that the new uses be treated like a new filing made on September 24, 1987 if Buckeye is willing to pay the filing fee. The new uses could be assigned new numbers and the original filing and uses could retain the original priority and application numbers.

JUN 28 1994

Memorandum

November 22, 1993

Re: Buckeye Farms permits Nos. 36-7740,7741 & 7742

In preparation for Buckeye Farms' November 22, 1993 meeting in Boise I have attempted to capsulize the facts and pertinent issues surrounding the pending licenses for the permits listed above:

1) Applications Nos. 36-7739, 36-7740, 36-7741 & 36-7742 were filed on August 1, 1977 for fish propagation.
   36-7739: Buckeye Ditch
   36-7740: Weatherby Springs
   36-7741: Hunt Ditch
   36-7742: Curren Ditch

2) A number of protests were filed and subsequently resolved with the ultimate hearing before the Department of water resources.

3) The approved permit for No. 36-7739 was issued on December 5, 1983 with an August 1, 1977 priority date. However, the hearing transcripts for the remaining applications were lost by the Department.

4) Buckeye was informed that due to the Department's actions, it would have to reapply in the form of an amended application in order that proper notice could be given through publication.

5) Amended applications for 7740, 7741 & 7742 were filed on September 24, 1987. In addition to the previously applied for use of fish propagation, the applications also included additional uses of recreation, aesthetics and wildlife habitat. These applications were originally given the August 1, 1977 priority date, however later inquiries revealed the change in the priority dates.

6) These applications were published for notice. All protests were either withdrawn or negotiated through settlement.

7) At hearing the applicants testified that it was their understanding that the applications would have split priorities; the fish propagation use dating back to the original applications would have the August 1, 1977 priority date; and the remaining uses would accept the September 24, 1987 priority date.

8) Buckeye believes that the applications do not violate I.C. Section 42-211. However, If the Department believes they do,

JUN 28 1994

a bifurcation of the permits is possible whereby separate permits would be filed for each fish propagation use. These permits would reflect the 1977 priority date. The second group of permits would reflect the 1987 priority date for the additional uses.

In summary, the point of this issue is: If the hearing transcripts for applications 36-7740, 36-7741 & 36-7742 had not been lost, Buckeye's fish propagation uses would have been issued an approved permit with priority dates of August 1, 1977. There is nothing in the record to suggest that Buckeye or its predecessor had any involvement in the misplacing of the transcripts. Denying Buckeye the 1977 priority date would in essence penalize Buckeye for this mistake. The resolution of this issue appears quite straight forward. Buckeye would amend the approved permits to reflect the bifurcation of the fish propagation use from the additional uses. Proof of beneficial use has been submitted to the Department. Licenses can be issued on these claims following Department review.

JUN 28 1994

MEMORANDUM

DATE: April 4, 1988

FROM: Loren Holmes

TO: File 36-7740

Department of Water Resources

SUBJECT: Background & recommendation

Application 36-7740 was originally filed on 8/1/1977. The application was protested and hearings were held on it and related applications in February, 1978. Final action was not taken because a hearing record could not be located on which to base a decision.

On 9/24/1987, the application was assigned to Buckeye Farms Inc. and amended. The amended application was advertised and additional protests were received.

Original protestants who had appeared at the hearing were notified of the application and advised that they automatically continued as parties. Protestants who had not appeared were notified that they must give notice in order to continue as parties.

A conference was held on 3/1/88. All protestants who appeared at the conference withdrew their protests based on the applicants stipulation that the application represented additional uses of water diverted under existing rights and would not increase the existing diversion rates.

The attached sheet shows the current status of protestants.

The applicant has stipulated that he will accept a 9/24/1987 priority for the added uses, but wants the 8/1/1977 priority for fish propagation. This would require the permit to be issued in two parts. I don't believe this is possible under 42-211, which requires the department to determine whether more water will be used than originally asked, and if so, to issue the permit with the priority date of the amendment. In this case, the amount of water asked for has been reduced but uses have been added.

The 6.5 cfs is the amount stipulated by the applicant to be the actual capacity of the diversion works in the Jones vs Reservoir Land Co. case, and does not represent a real reduction in the amount of water available. The added uses, while nested inside the same 6.5 cfs diversion rate, represent an increase in the duty of water.

Therefore, my recommendation is that the permit be issued with a 9/24/87 priority.

JUN 28 1994

NO. 36-07740

Proposed Priority: August 1, 1977 Maximum Diversion Rate: 10.00 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:

WEATHERBY SPRINGS tributary of **BILLINGSLEY CREEK**

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	10.00 CFS

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 30, Township 07S, Range 14E
GOODING County

PLACE OF USE: FISH PROPAGATION

TWN	RGE	SEC	
07S	13E	33	SENE
		34	SWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1993.**
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. 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.

RECEIVED
JUN 28 1994

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

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

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

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

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

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

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

ALLEN

JUN 28 1994

July 2, 1993

BUCKEYE FARMS INC.
18335 US HWY 30
HAGERMAN ID 83332

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-07740

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

April 30, 1993

BUCKEYE FARMS INC.
P.O. BOX 2199
SUN VALLEY ID 83353

PROOF DUE NOTICE

RE: PERMIT NO. 36-07740

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 . Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL
NO. 140101

140179
MICROFILMED
JUL 07 1993

BRIAN BARSOTTI
ATTORNEY AT LAW
GREYHAWK ALPINE CENTER
WARM SPRINGS VILLAGE
P. O. BOX 10013
KETCHUM, IDAHO 83340
208/726-3030 FAX NO. 208/726-2922

OF COUNSEL TO
ROARK, DONOVAN, PRAGGASTIS,
RIVERS & PHILLIPS

ADMITTED TO THE PRACTICE
OF LAW IN IDAHO AND
CALIFORNIA

RECEIVED
APR 2[illegible] 1992
Department of Water Resources
Southern Region Office

April 23, 1992

File
Answered by phone
4/27/92

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

Re: Buckeye Farms, Inc. Permit
Identification No. 36-7740

Dear Sir:

Enclosed please find a copy of an amended Application for Permit, Identification No. 36-7740, which was approved on July 26, 1988. I am a shareholder in Buckeye Farms, Inc., and the Board of Directors has requested that I write to you regarding some confusion with this application.

36-7740

Paragraph 7 states, "[T]ime required for completion of the works and application of the water to the proposed beneficial use is **FIVE** years." Then, in paragraph 1.b of the Action of the Director, Department of Water Resources, it states, "[P]roof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1993.**" The question we have is whether the fish ponds which we were to construct for fish propagation must be completed within five years of the date of the application, which was September 24, 1987, which would be September 24, 1992, or on July 1, 1993, as set forth in paragraph 1.b, as stated above.

Would you please inform us at your earliest convenience which date is applicable.

After a determination of the completion date of the works, we hereby request a five year extension of such date due to the drought the State of Idaho is experiencing. We, at the Buckeye, have experienced decreasing water due to subsurface pumping and drought conditions, which has made the water level at the Buckeye questionable for fish propagation. We anticipate that once the

drought subsides and the subsurface pumping issue is resolved, there should be plenty of water to complete the works required under the permit.

Thank you in advance for your cooperation in this matter. I will be contacting you next week to see if we can get an answer as to which date is applicable, and, also, to discuss with you the extension possibility.

Very truly yours,

Brian J. Barsotti

BB/k/4
Enc.
cc: Dan Yore
Mike Wallace
Stoney Burke
Alex Higgins

CERTIFIED MAIL - RETURN
RECEIPT #P 085 239 940

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVENOR
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 ~~Taylor~~ Tyler

MICROFILMED
AUG 01 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PROTEST OF BRUCE H. & DENNY TYLER AGAINST AMENDED APPLICATION FOR PERMIT NO. 36-7740 IN THE NAME OF BUCKEYE FARMS, INC.	)	COUNTY: Gooding SOURCE: Weatherby Springs

ORDER TO SHOW CAUSE

WHY PROTEST SHOULD NOT BE DISMISSED

On November 25, 1987 and December 2, 1987, the Department caused to be advertised in the Gooding County Leader a "Notice of Amended Application for Water Permit" which allowed protest against the issuance of this permit until December 14, 1987. On December 11, 1987, the Southern Region of the Department of Water Resources received a protest against the issuance of this permit from Bruce H. and Denny Tyler.

The Department set the matter for hearing on March 1, 1988. The protestants, Bruce H. and Denny Tyler failed to appear at the hearing.

The Department of Water Resources orders that Bruce H. and Denny Tyler show cause by May 9, 1988 why their protest should not be dismissed for failure to appear.

Dated this 28th day of April, 1988.

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Regional Office Bureau

MAILED
AUG 01 1988

May 5, 1988

Robert M. Strom
931 E. Justice Grade
Hagerman, ID 83332

Dear Mr. Strom:

Re: Permit No. 36-7740

This office acknowledges receipt of the withdrawal of your protest. We appreciate your prompt response to this matter.

If the department can be of future assistance, please feel free to contact us.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

RECEIVED
AUG 01 1988

RECEIVED
MAY 03 1988
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PROTEST OF ROBERT M. STROM AGAINST AMENDED APPLICATION FOR PERMIT NO. 36-7740 IN THE NAME OF BUCKEYE FARMS, INC.	COUNTY: Gooding SOURCE: Weatherby Springs

ORDER TO SHOW CAUSE

WHY PROTEST SHOULD NOT BE DISMISSED

On November 25, 1987 and December 2, 1987, the Department caused to be advertised in the Gooding County Leader a "Notice of Amended Application for Water Permit" which allowed protest against the issuance of this permit until December 14, 1987. On December 4, 1987, the Southern Region of the Department of Water Resources received a protest against the issuance of this permit from Robert M. Strom.

The Department set the matter for hearing on March 1, 1988. The protestant, Robert M. Strom failed to appear at the hearing.

The Department of Water Resources orders that Robert M. Strom show cause by May 9, 1988 why his protest should not be dismissed for failure to appear.

Dated this 28 day of April, 1988.

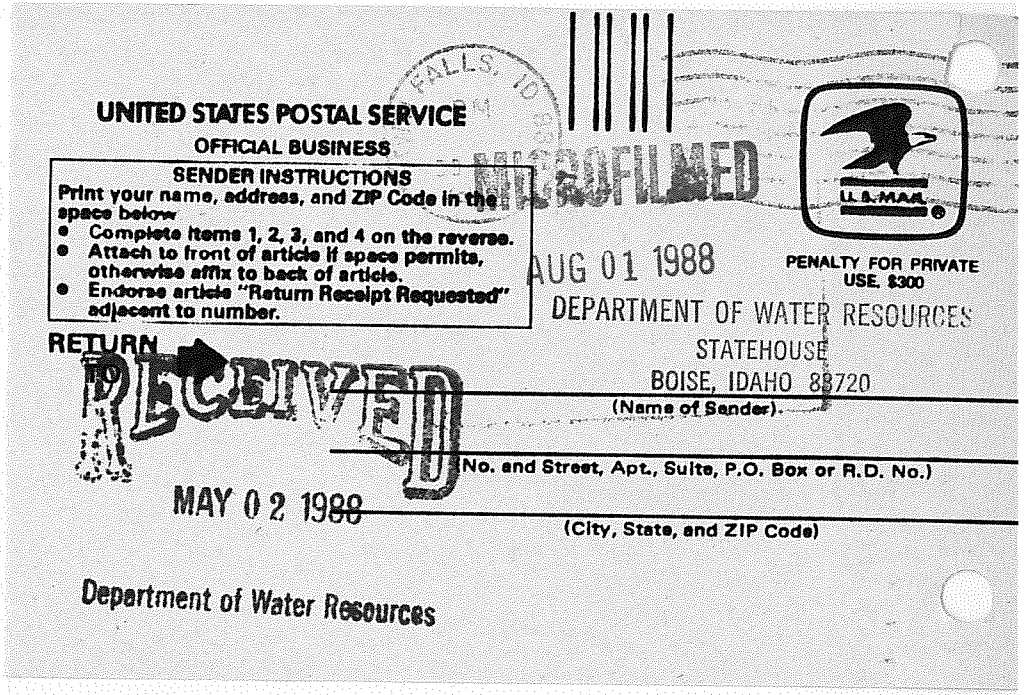
Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Regional Office Bureau

Please dismiss my original protest

Robert M. Strom
4-30-88

MICROFILMED
AUG 01 1988



UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

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

RETURN TO

FALLS, IO

MICROFILMED

AUG 01 1988

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

(Name of Sender)

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

RECEIVED

MAY 02 1988

Department of Water Resources

PS Form 3811, July 1983

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:

R.M. STROM
931 E. JUSTICE GRADE
HAGERMAN, ID 83332

4. Type of Service:

☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Article Number

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature – Addressee

X R.M. Strom

6. Signature – Agent

X

7. Date of Delivery

AUG 01 1988

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

RE: 36-7740

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified ☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

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	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee / Remarks
1	138490	R. M. Strom	2	85					2			36-7740
2		931 E. Justice Grade										
3		Hagerman, Id 83332										
4												
5	138491	Bruce A. + Dessy Tyler										
6		P.O. Box 567										
7		Hagerman, Id 83332										
8												
9												
10												
11												
12												
13		4-29-88										
14												
15												

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APR 29 1988
Department of Water Resources

MAILED
AUG 01 1988

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	POSTMASTER, PER *(Name of receiving employee)*
2	2	

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is $50,000 per piece subject to a limit of $500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is $500. The maximum indemnity payable is $25,000 for Registered Mail, $400 for COD and $400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

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

PS Form 3877, May 1985

☆ U.S. G.P.O. 1985-478-804

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PROTEST OF ROBERT M. STROM AGAINST AMENDED APPLICATION FOR PERMIT NO. 36-7740 IN THE NAME OF BUCKEYE FARMS, INC.	COUNTY: Gooding SOURCE: Weatherby Springs

ORDER TO SHOW CAUSE

WHY PROTEST SHOULD NOT BE DISMISSED

On November 25, 1987 and December 2, 1987, the Department caused to be advertised in the Gooding County Leader a "Notice of Amended Application for Water Permit" which allowed protest against the issuance of this permit until December 14, 1987. On December 4, 1987, the Southern Region of the Department of Water Resources received a protest against the issuance of this permit from Robert M. Strom.

The Department set the matter for hearing on March 1, 1988. The protestant, Robert M. Strom failed to appear at the hearing.

The Department of Water Resources orders that Robert M. Strom show cause by May 9, 1988 why his protest should not be dismissed for failure to appear.

Dated this 28 day of April, 1988.

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Regional Office Bureau

MICROFILMED
AUG 01 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PROTEST OF BRUCE H. & DENNY TYLER AGAINST AMENDED APPLICATION FOR PERMIT NO. 36-7740 IN THE NAME OF BUCKEYE FARMS, INC.	)	COUNTY: Gooding SOURCE: Weatherby Springs

ORDER TO SHOW CAUSE

WHY PROTEST SHOULD NOT BE DISMISSED

On November 25, 1987 and December 2, 1987, the Department caused to be advertised in the Gooding County Leader a "Notice of Amended Application for Water Permit" which allowed protest against the issuance of this permit until December 14, 1987. On December 11, 1987, the Southern Region of the Department of Water Resources received a protest against the issuance of this permit from Bruce H. and Denny Tyler.

The Department set the matter for hearing on March 1, 1988. The protestants, Bruce H. and Denny Tyler failed to appear at the hearing.

The Department of Water Resources orders that Bruce H. and Denny Tyler show cause by May 9, 1988 why their protest should not be dismissed for failure to appear.

Dated this 28th day of April, 1988.

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Regional Office Bureau

MICROFILMED
AUG 01 1988

RECEIVED
APR 07 1988
Department of Water Resources

MEMORANDUM

DATE: April 4, 1988

FROM: Loren Holmes

TO: File 36-7740

SUBJECT: Background & recommendation

Application 36-7740 was originally filed on 8/1/1977. The application was protested and hearings were held on it and related applications in February, 1978. Final action was not taken because a hearing record could not be located on which to base a decision.

On 9/24/1987, the application was assigned to Buckeye Farms Inc. and amended. The amended application was advertised and additional protests were received.

Original protestants who had appeared at the hearing were notified of the application and advised that they automatically continued as parties. Protestants who had not appeared were notified that they must give notice in order to continue as parties.

A conference was held on 3/1/88. All protestants who appeared at the conference withdrew their protests based on the applicants stipulation that the application represented additional uses of water diverted under existing rights and would not increase the existing diversion rates.

The attached sheet shows the current status of protestants.

The applicant has stipulated that he will accept a 9/24/1987 priority for the added uses, but wants the 8/1/1977 priority for fish propagation. This would require the permit to be issued in two parts. I don't believe this is possible under 42-211, which requires the department to determine whether more water will be used than originally asked, and if so, to issue the permit with the priority date of the amendment. In this case, the amount of water asked for has been reduced but uses have been added.

The 6.5 cfs is the amount stipulated by the applicant to be the actual capacity of the diversion works in the Jones vs Reservoir Land Co. case, and does not represent a real reduction in the amount of water available. The added uses, while nested inside the same 6.5 cfs diversion rate, represent an increase in the duty of water.

Therefore, my recommendation is that the permit be issued with a 9/24/87 priority.

RECEIVED
AUG 01 1988

APPLICATION 36-7740
STATUS OF PROTESTANTS FOLLOWING 3/1/88 CONFERENCE

Stanley & Barbara Hoskovec	Present at conference Protest withdrawn at conference
Sands Ditch	Represented by Richard Cook, Pres. Protest withdrawn at conference
Riverside Ranches	Represented by Calvin Eccles Protest withdrawn at conference
Dale Boyer	Represented by Mrs. Dale Boyer Protest withdrawn at conference
Edward D. & Ruth C. Shokal	Present at conference Protest withdrawn at conference
H.L. "Burt" Holmes	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
Verl C. Bell	Represented by Fred Decker, Atty. Protest withdrawn at conference
Edna M. Rea	Present at conference Protest withdrawn at conference
Weatherby Springs Water Users	Represented by Fred Decker, Atty. Protest withdrawn at conference
Mrs. Stanley Hoskovec	Present at conference (Betty Hoskovec) Protest withdrawn at conference
Hagerman Valley Citizens' Alert	Represented by Marne Mercer, Pres. Protest withdrawn at conference
Robert M. Strom	Not present at conference
Clear Lakes Trout Co. & Fisheries Development Co.	Represented by W. L. Nungester, Atty. Protest withdrawn at conference
Bruce H. & Denny Tyler	Not present at conference
TroutCo.	Represented by W. L. Nungester, Atty. Protest withdrawn at conference

MICROFILMED
AUG 01 1988

R. W. Stevens	Did not appear at original hearing Did not request to continue as a party
O. S. & Ethel Smith	Did not appear at original hearing Did not request to continue as a party
Thousand Springs Trout Co.	Represented by Mike Fennen Protest withdrawn at conference
John W. Jones Jr., sucessor to Jones & Sandy	Represented by W. L. Nungester, Atty. Protest withdrawn at conference

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AUG 01 1988

BUCKEYE FARMS, INC.

Form No. 202a
3/79

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: ADR APPLICATION NUMBER: Amended 36-7740

CHECK:

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

Field check by: _____
Date: _____
Comments: _____

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

PROCESSING:

- ☐ Yes ☑ No Platted by: _____ Map No. _____
- ☐ Yes ☐ No Other rights on same place of use. _____
- ☑ 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:

- ☑ Affidavit of publication received. Date: 12/8/87
- ☑ Application published correctly. If not, record action taken: _____
- ☑ Fee amount, receipt date & number, recorded on application.
- ☑ Publication dates and paper, recorded on application.
- ☑ Protests, dates, withdrawal, etc., recorded on application. withdrawn
- ☑ 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
- ok per Rule 3,4,3. 9/24/87 Date of priority recommended.
- Special conditions of approval or cover letter. 01E, 05 (36-A, Billingsley & Riley Cr.) 09E,

app. dismissed from Swan Falls suit - see dismissal 1-4.
allow the 5 yrs. requested for Bill development

By: Lorent Haden Date: 4/4/88

STATE OFFICE REVIEW:

P08, P17 ~~45~~ 26 27 04 05 (36-A Billingsley Creek)
~~44~~ 42 01J 07A 09D

☐ See attached sheet for more information.
By: tw Date: 7/11/88

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APR 11 1988
Department of Water Resources

RECEIVED
MAR 29 1988
Department of Water Resources
Southern Region Office

February 26, 1988

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

RE: Buckeye Farms, Inc.
Applications for Water Permit Nos. 36-7740, 36-7741, 36-7742 and 36-8335

Gentlemen:

We have reviewed the above referenced water permit applications with Donnie McFadden, an agent for Buckeye Farms, Inc. He has acquainted us with the corporation's proposals to develop Bar S and Buckeye Ranch properties near Hagerman to use the waters diverted to the ranch for the additional purposes of fish propagation, recreation, aesthetics, and fish and wildlife habitat.

Mr. McFadden assures us that your Department will conduct hearings to determine the applicant's legal right to take the water for these purposes under the above referenced applications. He also assures us that the ranch owners will comply with all Health and Welfare regulations and that the development will result in an economic boost in the Hagerman area.

Since the proposals do not involve the creation of new diversion facilities from natural streams, the diversion of water which has not been traditionally diverted in the past on a year round basis, and all of the development will take place on private land, we see no negative impacts for Gooding County.

Respectfully submitted,

GOODING COUNTY COMMISSIONERS

RON HOHNHORST

Robert E. Tupper
ROBERT E. TUPPER

Robert P. Thackeray, Chmn.
ROBERT P. THACKERAY

RECEIVED
AUG 01 1988

JAR/dcb
77011

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

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

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

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

March 15, 1988

RECEIVED
MAR 15 1988
Department of Water Resources
Southern Region Office

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

ATTN: Loren Holmes

RE: Buckeye Farms, Inc.
Applications for Water Permit Nos. 36-7740, 36-7741, 36-7742 and 36-8335

Dear Mr. Holmes:

In compliance with Water Appropriation Rule 4,5,3,5,1., enclosed please find a letter from the Department of Health & Welfare together with a letter from Blaine County Title Inc. in regard to the above entitled Applications for Permit.

Also enclosed is a copy of a letter from the Gooding County Commissioners. We are in the process of securing the signatures for said letter. I will keep you informed as to the progress of such.

If you have any questions, please advise.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
79101

Enclosures

cc: Bob Fleenor

MICROFILMED
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.

MICROFILMED
AUG 01 1988

Sincerely,

Michael J. McMasters

Michael J. McMasters
Source Control Field Officer

MJM/ta

EQUAL OPPORTUNITY EMPLOYER

cc: Robert L. Braun

BLAINE COUNTY TITLE INC.

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

February 25, 1988

RECEIVED
MAR 15 1988
Dept. of Water Resources
Southern Region Office

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

RE: Order No. 1669/The Buckeye Ranch

Sir:

This letter is being written at the request of John A. (Stoney) Burke of Sun Valley Associates. In September of 1987, Blaine County Title, Inc. closed a transaction wherein Buckeye Farms, Inc. purchased a parcel of land in Hagerman, Idaho. I have attached a copy of the legal description. The property was transferred to Buckeye Farms, Inc. free and clear of any liens and/or encumbrances.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

BLAINE COUNTY TITLE, INC.

Sheila Liermann
Vice President

Enc./skl

cc: Sun Valley Associates - Stoney Burke

MICROFILMED
AUG 01 1988

Form No. 1056-4
All Policy Forms

G 00561
D 577136

SCHEDULE C

The land referred to in this policy is situated in the State of Idaho
County of Gooding and is described as follows:

Parcel No. 1:

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

Section 23: SW¼;

Section 26: N½NW¼; W½NE¼; W½SE¼; SE¼SE¼; E½SW¼; SW¼SW¼; SE½NW¼;
EXCEPTION THEREFROM a parcel of land described as follows:

Beginning at the Southwest corner of the NE¼SE¼ of said Section 26;

Thence North and parallel with the East line of Section 26 to the Northwest corner of the NE¼NE¼ of Section 26;

Thence West along the North line of said Section 26 to a point which is 30 feet West of the West bank of the Big Bend Ditch;

Thence Southerly along a line running 30 feet West of the West bank of said Big Bend Ditch to a point which is directly West of the Southwest corner of the NE¼SE¼ of said Section 26;

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

Section 35: NE¼; E½NW¼; NW¼NW¼; N½SE¼; NE¼SW¼;
EXCEPTING THEREFROM the following land:

Beginning at the Northeast corner of SE¼SE¼ of said Section 35;

Thence North along said Section line 3440 feet;

Thence West 1201 feet;

Thence in a Southeasterly direction 3531 feet, more or less, to a point on the North line of the SE¼SE¼, 401 feet West of THE POINT OF BEGINNING;

Thence East 401 feet to THE POINT OF BEGINNING.

EXCEPT 25 feet of public road right of way across:
East side of the SE¼SE¼ Section 26;
East side of E½NE¼ and NE¼SE¼ Section 35 and West side of NW¼NW¼ Section 36;
Conveyed to State of Idaho by Deed recorded in Book 1 of Deeds Page 434, Gooding County records.

AND EXCEPT tract of land for Highway purposes across SE¼SE¼ of Section 26, the NW¼NW¼ of Section 36 and a portion of the NE¼NE¼ of Section 35 all in Township 7 South, Range 13, East Boise Meridian as set forth in Deed to State of Idaho, dated July 12, 1962, recorded December 5, 1962 as Instrument Number 6315, Gooding County records.

MICROFILMED
AUG 01 1988

continued

Parcel No. 2:

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho
Section 27: S½SW¼; S½SE¼;

AND

Lots 43 through 75, inclusive; Lots 78 through 102, inclusive; Lots 107 through 121, inclusive; and Lots 126 through 131, inclusive, of Buckeye Ranch, Gooding County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County,
EXCEPTING THEREFROM that part of Buckeye Ranch contained within Government Lot 9 of Section 33, Township 7 South, Range 13, East Boise Meridian.

(End of Schedule C)

MICROFILMED
AUG 01 1988

RECEIVED
MAR 15 1988
Water Resources
Eastern 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

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.

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AUG 01 1988

BUCKEYE FARMS INC. APPLICATIONS
LIST OF PROTESTANTS

6.5 Weatherby Springs
24 Riley Ck. - Hunt Ditch
20cfs Curran Ditch Billingsley Ck
12 cfs Buckeye Ditch Billingsley Ck
Submitted on conference record

NAME	APPLICATION NO. 36-7740	36-7741	36-7742	36-8335
Stanley & Barbara Hoskovec	X			
Richard L. Cook, President, Sands ditch	X		XP	X
Patsy Dunn, Secretary, Riverside Ranches	X	X'	~~X~~	X
Dale Boyer	X		~~X~~	X
Edward D. & Ruth C. Shokal	X	X	XP	XP
H.L. "Burt" Holmes	X		~~X~~	X
Calvin & Myrle Eckles Riverside Ranches	X	X	~~X~~	X
Laurence J. Smith	X	X	XP	X
Verl C. Bell	X			
Edna M. Rea — withdrawn (36-8335) 2/24/88	X			
Weatherby Springs Water Users	X			
Mrs. Stanley Hoskovec	X		X	
Hagerman Valley Citizens' Alert	X	X	XP	X
Robert M. Strom	X			
Paul E. & Inez S. Watkins	→	X	XP	XP
Clear Lakes Trout Co. & Fisheries Development Co.	X		XP	X
Bruce H. & Denny Tyler	X		~~X~~	X
~~Ancie P. Bell~~ withdrawn 2/24/88				X
TroutCo.	X		XP	X
~~Id. Dept. of Fish & Game*~~ Withdrawn 2/26/88		X	~~X~~	
Thousand Springs Trout Co.*	X			
~~Jones & Sandy*~~ Walter F. Jones	X			

* Parties carried forward from original hearings

MICROFILMED
AUG 01 1988

Re: Buckeye Farms, Inc. 36-7740, 36-7741, 36-7742, 36-8355

Place: American Legion Hall, Hagerman, ID

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

Hearing Officer Bob Fleenor

Assisted by Loren Holmes

ROSTER OF ATTENDANCE

Name	Address	Representing
William E. Shirk	Hagerman	Self
Edward C. Shakal	RT#1 Box 410 Hagerman	Private Party
MARNE MERCER	919 Justice Grade, Hagerman	Citizens Alert
David D. Joerger	800 FALLS AVE. T.F.	J-U-B ENGRS.
Dennis Zimmerman	" " " "	" "
Gretchen Upperco	929 Justice Grade, Hagerman	Self and Husband
Mr. & Mrs. Cal Eckles	HC 55 Box 1355 Flint Idaho	Riverside Ranches
Floyd Hoffman	Route #1 Filer, Id.	Self
Mike Fenton	RT 4 Buhl, Idaho	Fish Breeders of Id.
Jill Joseph	RR#1 Box 254 Hagerman	Self
Mary E. Joseph	RT#1, Box #254, Hagerman	Self
Ruth Shakal	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
Ken Ellis	Rt 5 Box 5053 Buhl ID	Aqua Life Corp
Daryl Tuttle	Rt 5 Box 5053 Buhl ID	Aqua life corp
Robert Tuppen	B.C.D Box 1110 Hagerman	Woodlin Co. Comm.
Richard Loon	Box 22 RT#1 Hagerman Id	Sandy Ditch Water User
Mrs. Dale (Elaine) Bower	PO Box 232 Hagerman	
Maxine Mercer	919 Justice Grade	Self
Stanley Workers	2856 900E Hagerman	Self
Paul E. Watkins	RT 1 Box 412 Hagerman, Id	Self

MICROFILMED

AUG 01 1988

uckeye Farms, Inc. ---page 2)

.ce:

)ate:

Hearing Officer _____

Assisted by _____

ROSTER OF ATTENDANCE

Name	Address	Representing
Barbara Hasbrouck	Hagerman	Self
Wm. Sandy	Hagerman, Id.	Trust Co
John Sandy	Hagerman, Id.	Trust Co
John W. Jones Jr.	Box 265 Hagerman Id	Self
Betty Hasbrouck	Hagerman Id	Self & Buckeye
Edna M. Rae	Wendell, Id.	Ward Bell Trustee Sister
Verl Bell	Hagerman	
Burt Holmes	"	Rock Lodge
Van Gore	Bliss	Self.
Wm L Nungester	Box 589 Twin Falls	Trustee, Jones & Sandy, et al
Fred Wooten	P.O. Box 1616, Twin Falls	Verl Bell & Edna Rae, et al
Terry L. Uhling	P.O. Box 1906, Twin Falls	Buckeye
John Rashleff	P.O Box 1906, T.F.	"

MICROFILMED
AUG 01 1988

From: DWR60::MANAGER 29-FEB-1988 14:30
To: DWR01::WRFLEENOR
Subj: buckeye hearing

BUCKEYE FARMS INC.
APPLICATIONS 36-8335, 36-7740, 36-7741, 36-7742
BACKGROUND

36-8335 - 12 cfs from Billingsley Cr. via the Buckeye ditch

The decree describes 22.66 cfs of rights of the defendants that are carried in the Buckeye ditch. The plaintiff, New Internation Mortgage Bank was decreed Right 36-0003 for 20 cfs of 9/10/1884 with the diversion point described as the Buckeye Ditch in the findings of fact. the place of use in 36-0003 agrees with the lands described in 36-8335.

The court gave the plaintiff the right to change the diversion from Billingsley creek to Riley creek & divert 10 cfs with a priority of 10/10/1908. There is no indication that this change was ever actually made.

36-7740 - 6.5 cfs from Weatherby springs via the Bar S ditch

The amended application proposes to divert 6.5cfs year-round. Th amount results from a stipulation of facts dated January 12, 197 in the Jones Vs Reservoir Land Co., Gooding County case No. 1667 which gave the Bar S ditch 6.5 cfs year-round if a suitable pipline was built by January 1, 1980 and cut the diversion to 4 cfs from November 1 to March 1 if not. The file does not indicat whether the pipeline was built.

The place of use in the application partially agrees with the following decreed rights:

Number	Priority	Amount
36-0017	12/9/1916	12.00 cfs
36-0015	3/8/1902	10.90 cfs
36-0016	4/4/1910	0.30 cfs
		23.20

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AUG 01 1988

36-7741 - 24 cfs from Riley Cr. via the Hunt ditch

The amount and place of use agree with rights 36-0001 and 36-0002 decreed to the New International Mortgage Bank. The rights are as follows:

NO.	PRIORITY	AMOUNT	DIVERSION
36-0001	5/1/1883	12 cfs	Hunt Ditch
36-0002	10/01/1908	12 cfs	Pipe Ditch

The decree describes 4.5 cfs of other rights in the Hunt ditch and 3.5 cfs in the Pipe ditch.

The decree gives the plaintiff, New International Mortgage Bank, the right to divert an additional 10 cfs from Riley Creek with a 10/1/1908 priority if 20 cfs under 36-0003 from Billingsley Creek is abandoned.

From the application, it appears that an unrecorded transfer of 36-0002 from the Pipe Ditch to the Hunt Ditch may have taken place, but that the exchange of Billingsley Creek water for Riley Creek has not taken place.

36-7742 20 cfs from Billingsley Creek Via the Curran ditch

The place of use ~~agrees~~ with 36-0018, for 20 cfs, priority 4/1/1917. The decree describes an additional 15 cfs under right No. 36-0004 diverted through the Curran ditch.

The application shows the same delivery system as application 36-7740 (the North and South Bar S pipelines). The map does not show how the water is carried from the source to the pipelines.

MICROFILMED
AUG 01 1988

RECEIVED
FEB 29 1988
Department of Water Resources
Western Region Office

First Security Bank of Idaho
NATIONAL ASSOCIATION
MEMBER FIRST SECURITY CORPORATION SYSTEM OF BANKS
POST OFFICE BOX 2117
KETCHUM, IDAHO 83340
726-9381

February 25, 1988

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

RE: Buckeye Farms, Inc.

Gentlemen:

We are the depository for Buckeye Farms, Inc., an Idaho corporation. We also bank several of the stockholders of the corporation individually. Please be advised that at the present time Buckeye Farms, Inc. has in excess of $475,000.00 on deposit with our institution. We are advised that this is the maximum estimated cost of the work proposed for the properties they have purchased in the Hagerman Valley.

In the event that their deposit situation changes, this bank would be willing to entertain an application for a loan to commit the necessary funds based on the financial strength of the stockholders involved.

We would be happy to answer any further specific questions upon an authorization form from the corporation or the individuals involved.

Sincerely,

C. Richard Sams
Manager

CC: Ed Dumke

MICROFILMED
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

February 17, 1988

Fred D. Decker, Attorney
P.O. Box 66
Twin Falls, ID 83301

Re: Application 36-7740, Buckeye Farms Inc.

Dear Mr. Decker:

Enclosed herewith are copies of John Rosholt's response to Verl Bell's protest and the stipulation and memorandum opinion in the Jones vs Reservoir Land Co. case which we received from Mr. Nungester.

At this point, the hearing date is still set for March 1, 1988.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LH

MICROFILMED
AUG 01 1988

LAW OFFICES

HEPWORTH, NUNGESTER, FELTON, AND LEZAMIZ, CHARTERED

BLICK BUILDING — 133 SHOSHONE STREET NORTH
Post Office Box 389
TWIN FALLS, IDAHO 83303-0389
TELEPHONE (208) 734-7510

A Professional Corporation

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
JOHN T. LEZAMIZ
JEFFREY E. ROLIG
JOHN C. HOHNHORST
J. CHARLES HEPWORTH
PENELOPE PARKER-KIMBER
JEFF HEPWORTH
RODNEY T. BUTTARS

D. Brent Martens (1949-1986)

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

January 15, 1988

OUR FILE NUMBER

RECEIVED
FEB 9 1988
Department of Water Resources
Southern Region Field Office

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

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

Gentlemen:

In a recent letter to you we refer to our clients' water rights as being in the names of Jones and Sandy Livestock. We are simply writing to advise that the land referred to in our letter, and the land to which certain water rights will be appurtenant are now in the name of John W. Jones, Jr. and Delores D. Jones, husband and wife, whose address is Box 265, Hagerman, Idaho 83332. I would appreciate your records reflecting this change in name and the address change for any correspondence you might send out or any notices that might be forthcoming.

I would appreciate a letter or phone call acknowledging receipt of this letter and advising me if there is any reason for us to do anything further.

Very truly yours,

HEPWORTH, NUNGESTER, FELTON
& LEZAMIZ

John C. Hepworth

JCH:mja

MICROFILMED
AUG 01 1988

NAME AND ADDRESS OF SENDER — P. 2 – Buckeye

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

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

☐ Commercial Insurance
☐ A deductible clause of $

certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIP

LINE	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. REI
1	387	Clear Lakes Trout Co. (W.F. Rinyert)	.39	.70	.75						
2	388	Bruce & Penny Tyler									
3	389 ✓	Ancie P. Bell									
4	390 ✓	Trout Co. (W. A. Sandy)									
5	391 ✓	John Rosholt									
6	392 ✓	Id. Fish & Game									
7	393 ✓	Thousand Spgs Trout									
8	394 ✓	Jones & Sandy (W.m. Nungester)									
9	395 ✓	Fred Decker, Atty for Verl Bell									
10	396	Buckeye Farms, Inc.									
11											
12											
13											
14											
15											

1.84 ea

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AUG 01 1988

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The full declaration of value is required on all domestic and internationa
mail. Commercial Insurance—Payment of the full registry fee is required
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☆ U.S. GOVERNMENT PRINTING OFFICE : 19

NAME AND ADDRESS OF SENDER

EDWK 2/8/88

36-7740
36-7741

Re: Buckeye 36-7742, 36-8335

Indicate type of mail
- ☐ Registered
- ☐ Insured
- ☐ COD
- ☒ Certified

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

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
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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 Voskovec	.39	.70	.75						
2	373	Sande Ditch Watersers Assoc. (Richard Cook)									
3	374	Riverside Ranches, Inc (Patsy Dem)									
4	375	Dale Boyer									
5	376	Edward & Ruth Shokal									
6	377	Burt Holmes									
7	378	Calvin & Myrle Eckles									
8	379	Laurence J. Smith									
9	380	Verl C. Bell									
	381	Edna M. Rea									
11	382	Weatherby Spgs. Water Users (Vern Bell									
12	383	Mrs. Stanley Hoskovec									
13	384	Hagerman Valley Citizens Alert (M. Mercy)									
14	385	Robert M. Strom									
15	386	Paul E. & Inez S. Watkins									

AUG 01 1988

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	*POSTMASTER, PER (Name of receiving employee)*
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The full declaration of value is required on all domestic and international reg 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 e $1,000. The maximum indemnity payable is $25,000 for registered mail, $400 f and $400 for insured mail. Special handling charges apply only to third- and class parcels. Special delivery service also includes special handling service.

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

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

PS Form 3877 April 1980

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST THE APPROVAL OF APPLICATIONS FOR PERMIT NUMBERS 36-7740, 36-7741, 36-7742, AND 36-8335 IN THE NAME OF BUCKEYE FARMS INC.	NOTICE OF CONFERENCE AND HEARING SOURCES: 36-7740 - Weatherby Springs 36-7741 - Riley Creek 36-7742 - Billingsley Creek 36-8335 - Billingsley Creek COUNTY: Gooding

You are hereby notified that hearings on application numbers 36-7740, 36-7741, 36-7742, and 36-8335 have been set for March 1, 1988 commencing at 10:00 AM in Hagerman at the American Legion Hall, on State Street (Hwy 30) across from the High School. The applications will be heard in the order listed above unless otherwise ordered by the hearing officer.

Attached to this notice are listings of the information contained in the applications, lists of the parties, and conference/hearing information.

A prehearing conference will be held prior to hearing of testimony on the applications. The purposes of the conference, among others, will be to determine the issues which concern the parties, discuss the order in which the hearings will proceed, and to discuss methods to avoid duplicate presentation of evidence.

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

Dated this 8 day of February, 1988.

MICROFILMED
AUG 01 1988

Loren O. Holmes
Southern Region Manager

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

Stanley & Barbara Hoskovec
2856 S, 900 East
Hagerman, ID 83332

Verl C. Bell
Rt. 1, Box 42
Hagerman, ID 83332

Richard L. Cook,President
Sands Ditch Water Users Assoc.
Hagerman, ID 83332

Fred D. Decker
Attorney for Verl Bell
P.O. Box 66
Twin Falls, ID 83301-0066

Patsy Dunn,Secretary
Riverside Ranches, Inc.
816 Park Lane
Pocatello, ID 83201

Edna M. Rea
P.O.Box 543
Wendell,ID 83355

Dale Boyer
Hagerman, ID 83332

Weatherby Sprs. Water Users
Verl C. Bell, President
Rt. 1, Box 42
Hagerman, ID 83332

Edward D. & Ruth C. Shokal
Hagerman, ID 83332

Mrs. Stanley Hoskovec
Rt. 1, Box 50
Hagerman, ID 83332

H.L. "Burt" Holmes
Rt. 1
Hagerman, ID 83332

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

Calvin & Myrle Eckles
HC60, Box 1255
Bliss, ID 83314

Robert M. Strom
931 E. Justice Grade
Hagerman, ID 83332

Laurence J. Smith
HC60, Box 1255
Bliss, ID 83314

Paul E. & Inez S. Watkins
Rt. 1, Box 412
Hagerman, ID 83332

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AUG 01 1988

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

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

Bruce H. & Denny Tyler
P.O. Box 567
Hagerman, ID 83332

Ancie P. Bell
Rt. 2, Box 42
Hagerman, ID 83332

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

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

John A. Rosholt
Attorney for Buckeye Farms
P.O. Box 1906
Twin Falls, ID 83301

Id. Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Thousand Springs Trout Co.
Box 232
Buhl, ID 83316

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

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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

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

SOURCE: WEATHERBY SPRINGS TRIBUTARY: BILLINGSLEY CREEK

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

POINT OF DIVERSION: STREAM INDEX:
T07S R14E S30 NESW NO INDEX CODE

PLACE OF USE: WILDLIFE

T07S R13E S26	NESW	SWSW	SESW					
S27	SWSW	SESW	SWSE	SESE				
S33	SWNE	SENE	NESE	NWSE	SESE			
S34	NENE	NWNE	SWNE	SWNW	SENW	NWSW	SWSW	
S35	NENE	NWNE	SWNE	NWNW	SWNW	SENW		

PLACE OF USE: FISH PROPAGATION
T07S R13E S34 SWNW

PLACE OF USE: RECREATION SAME AS OTHER USE

PLACE OF USE: AESTHETIC SAME AS OTHER USE

FILED
AUG 01 1988

36-7741	BUCKEYE FARMS, INC. P.O. BOX 2199 SUN VALLEY, ID 83353	08-04-1977	WILDLIFE	01-01	12-31	24.00 CFS	APPLICATION
			FISH PROPAGATION	01-01	12-31	24.00 CFS	
			RECREATION	01-01	12-31	24.00 CFS	
			AESTHETIC	01-01	12-31	24.00 CFS	
						24.00 CFS	TOTAL
						AFA	TOTAL

SOURCE: RILEY CREEK TRIBUTARY: SNAKE RIVER

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

POINT OF DIVERSION: STREAM INDEX:
T08S R13E S01 SWNE NO INDEX CODE

PLACE OF USE: WILDLIFE

T07S R13E S33	NENE	NWNE	SWNE	SENE	NESE	NWSE	SESE
S34	NESW	NWSW	SWSW	NESE	NWSE		

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	MAXIMUM DIVERSION	STAGE
36-7741	PLACE OF USE: FISH PROPAGATION T07S R13E S34 SENW NESW						
	PLACE OF USE: RECREATION		SAME AS OTHER USE				
	PLACE OF USE: AESTHETIC		SAME AS OTHER USE				
36-7742	BUCKEYE FARMS, INC. P.O. BOX 2199 SUN VALLEY, ID 83353	08-04-1977	WILDLIFE FISH PROPAGATION RECREATION AESTHETIC	01-01 01-01 01-01 01-01	12-31 12-31 12-31 12-31	20.00 CFS 20.00 CFS 20.00 CFS 20.00 CFS 20.00 CFS TOTAL AFA TOTAL	APPLICATION
	SOURCE: BILLINGSLEY CREEK		TRIBUTARY: SNAKE RIVER				
	REMARKS: P/U FOR AESTHETIC & RECREATION SAME AS WILDLIFE						
	POINT OF DIVERSION: T07S R14E S31 SWNE		STREAM INDEX: NO INDEX CODE				
	PLACE OF USE: WILDLIFE T07S R13E S26 NESW SWSW SESW S27 SWSW SESW SWSE SESE S33 SWNE SENE NESE NWSE SESE S34 NENE NWNE SWNE SWNW SENW NWSW S35 NENE NWNE SWNE NWNW SWNW SENW SWSW						
	PLACE OF USE: FISH PROPAGATION T07S R13E S34 SWNW						
	PLACE OF USE: RECREATION		SAME AS OTHER USE				
	PLACE OF USE: AESTHETIC		SAME AS OTHER USE				
36-8335	BUCKEYE FARMS, INC. P.O. BOX 2199 SUN VALLEY, ID 83353	09-24-1987	WILDLIFE RECREATION AESTHETIC	01-01 01-01 01-01	12-31 12-31 12-31	12.00 CFS 12.00 CFS 12.00 CFS 12.00 CFS TOTAL 8687.73 AFA TOTAL	APPLICATION
	SOURCE: BILLINGSLEY CREEK		TRIBUTARY: SNAKE RIVER				
	OTHER USES: W/VARIABLE						
	REMARKS: SEND CORRESPONDENCE TO: JOHN ROSHOLT, ATTORNEY						

MICROFILMED
AUG 01 1988

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	MAXIMUM DIVERSION	STAGE

36-8335 REMARKS: P.O. BOX 1906; TWIN FALLS, ID 83303-1906

POINT OF DIVERSION: STREAM INDEX:
T07S R13E S11 SENE NO INDEX CODE

PLACE OF USE: WILDLIFE

T07S R13E S28	SESW	SWSE	SESE		
S33	SWNE	SENE	NESE	NWSE	SESE
S34	NWSW	SWSW			

PLACE OF USE: FISH PROPAGATION
T07S R13E S34 SWNW

PLACE OF USE: RECREATION SAME AS OTHER USE

PLACE OF USE: AESTHETIC SAME AS OTHER USE

MICROFILMED
AUG 01 1988

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

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

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

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

RECEIVED
FEB 5 1988
Department of Water Resources
Southern Region Office

February 3, 1988

William Nungester
Attorney at Law
P.O. Box 589
Buhl ID 83316

RE: Weatherby Springs -- Protest of Application 36-7740

Dear Bill:

As I indicated on the telephone, my client Buckeye Farms acknowledges the Stipulation and court Order of 1979 which limits the diversions from Weatherby Springs between March 1 and October 31 to 6.5 cfs, and between November 1 and March 1 to 4.0 cfs.

As I further indicated, I haven't yet determined whether to amend the application, or to just suggest to the Department that the court's Stipulation and Order be included as a condition on the permit. The application is not intended to allow a diversion of water over and above that which is presently allowed by the Stipulation.

If there are additional questions, don't hesitate to contact me.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74241

MICROFILMED
AUG 01 1988

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

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

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

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

RECEIVED
FEB 5 1988
Department of Water Resources
Southern Region Office

February 3, 1988

Mr. Verl C. Bell
Rt. #1 Box 42
Hagerman ID 83332

RE: Your Protest to Application for Permit No. 36-7740

Dear Mr. Bell:

This firm has been retained by Buckeye Farms in connection with certain water right applications they filed in late 1987. This letter is an attempt to answer your protest received by the Department on December 14, 1987.

As you will recall, on August 1, 1977, Buckeye Land Company filed an application to use water that the ranch was entitled to from Weatherby Springs for fish propagation purposes. This application was to allow the use of the water for the additional purpose of fish propagation, in addition to all the purposes for which the water was originally decreed to them. The application was protested and hearings were held. Unfortunately, the tapes of the hearings were lost by the Department of Water Resources and consequently the permit was never issued. In late 1987, the new owner, Buckeye Farms, filed Amended Application 36-7740. The application seeks nonconsumptive use of 6.5 cfs for fish propagation, recreation, aesthetics, and fish and wildlife habitat. As you know, if the application was granted, it would be issued subject to all prior water rights. It is an application to collect any water that gets to the Buckeye Ranch and to use it for the purposes set forth in the application. Both the new owners as well as Mr. McFadden recognize the rights of yourself and the other Weatherby Springs water users as prior. Diversions from Weatherby Springs are of course limited by the Stipulation of Fact and the Memorandum Opinion of the District Court in and for the County of Gooding in the case of Jones v. Reservoir Land Company, dated January 22, 1979. That Order limits the total diversions from Weatherby Springs during the irrigation season and the nonirrigation season and obviously Application No. 36-7740 is subject to that court order.

MICROFILMED
AUG 01 1988

Donnie McFadden informs us that since that court order, the other users of Weatherby Springs have taken the water during the irrigation season with his permission, only what's left flowing down to the Buckeye Ranch. This application is in no way intended to conflict or refute your rights to the water from Weatherby Springs.

The purpose for the application is to seek the State's permission to use whatever water gets to the Buckeye Ranch for the purposes set out in the application. It is certainly not the intention of the applicant to seek 6.5 cfs in the summertime, or 4.0 cfs in the wintertime to deprive you or other Weatherby Springs users of vested water rights. However, since some water does eventually get to the ranch under some conditions, we need to have a state permit to approve the uses that would be made at that point. That is the purpose for the amended 36-7740.

I would be pleased to answer any further questions that you have concerning the matter. Also, don't hesitate to call Donnie McFadden. I am sure one of us will be able to find the answers for you.

Perhaps an additional condition can be imposed on the permit that would assure you in regard to the two points you make in your protest letter. I would ask you to consider that as an alternative and then withdrawing the protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74111

MICROFILMED
AUG 01 1988

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

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

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

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

February 3, 1988

Mr. Verl C. Bell, President
Weatherby Springs Water Users Group
Rt. #1 Box 42
Hagerman ID 83332

RE: Your Protest to Application for Permit No. 36-7740

Dear Mr. Bell:

This firm has been retained by Buckeye Farms in connection with certain water right applications they filed in late 1987. This letter is an attempt to answer your protest received by the Department on December 14, 1987.

As you will recall, on August 1, 1977, Buckeye Land Company filed an application to use water that the ranch was entitled to from Weatherby Springs for fish propagation purposes. This application was to allow the use of the water for the additional purpose of fish propagation, in addition to all the purposes for which the water was originally decreed to them. The application was protested and hearings were held. Unfortunately, the tapes of the hearings were lost by the Department of Water Resources and consequently the permit was never issued. In late 1987, the new owner, Buckeye Farms, filed Amended Application 36-7740. The application seeks nonconsumptive use of 6.5 cfs for fish propagation, recreation, aesthetics, and fish and wildlife habitat. As you know, if the application was granted, it would be issued subject to all prior water rights. It is an application to collect any water that gets to the Buckeye Ranch and to use it for the purposes set forth in the application. Both the new owners as well as Mr. McFadden recognize the rights of yourself and the other Weatherby Springs water users as prior. Diversions from Weatherby Springs are of course limited by the Stipulation of Fact and the Memorandum Opinion of the District Court in and for the County of Gooding in the case of Jones v. Reservoir Land Company, dated January 22, 1979. That Order limits the total diversions from Weatherby Springs during the irrigation season and the nonirrigation season and obviously Application No. 36-7740 is subject to that court order.

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Donnie McFadden informs us that since that court order, the other users of Weatherby Springs have taken the water during the irrigation season with his permission, only what's left flowing down to the Buckeye Ranch. This application is in no way intended to conflict or refute your rights to the water from Weatherby Springs.

The purpose for the application is to seek the State's permission to use whatever water gets to the Buckeye Ranch for the purposes set out in the application. It is certainly not the intention of the applicant to seek 6.5 cfs in the summertime, or 4.0 cfs in the wintertime to deprive you or other Weatherby Springs users of vested water rights. However, since some water does eventually get to the ranch under some conditions, we need to have a state permit to approve the uses that would be made at that point. That is the purpose for the amended 36-7740.

I would be pleased to answer any further questions that you have concerning the matter. Also, don't hesitate to call Donnie McFadden. I am sure one of us will be able to find the answers for you.

Perhaps an additional condition can be imposed on the permit that would assure you in regard to the two points you make in your protest letter. I would ask you to consider that as an alternative and then withdrawing the protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74131

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Department of Water Resources
Southern Region Office

February 3, 1988

Mr. Richard L. Cook
Sands Ditch Water Users Association
Hagerman ID 83332

RE: Association's Protests to Application Nos. 36-7740, 36-7742 and 36-8335

Dear Dick:

I have been trying to help Buckeye Farms with their water applications above referenced. I am enclosing copies of each for your convenience. Application No. 36-7740 is an amended application. The application was originally filed on August 1, 1977. Protests were made at that time and a hearing was held. The application was never approved for the reason that the Department lost the tapes from the hearing. Since that time, the Gooding County District Court Order has limited the total diversions from Weatherby Springs. I enclose a copy of that Stipulation and Decree for your interest. The purpose for 36-7740 is to authorize additional uses of the Weatherby Springs water that eventually reaches the Buckeye Farms property. Obviously no more water can be taken than the 6.5 cfs in the summer and the 4.0 cfs in the winter that were decreed by the court on January 10, 1979. The purpose for the permit is to do essentially what your buyers did with your own ranch in creating wildlife habitat, ponds, etc.

Application No. 36-7742 was an application also filed originally in 1977 authorizing the use of the Buckeye Ranch's Curren Ditch water for fish propagation, as an additional use to all of the other purposes provided in the Decree. The tape from that hearing was also lost. Consequently, 36-7742 is an attempt to secure permission to make the diversion for fish propagation use as well as the other uses set forth in the amended permit.

No. 36-8335 is a new application. In 1977, Donnie McFadden also filed Application 36-7739 for permission to use the Buckeye Ranch's entitlement which they received through the

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Buckeye Ditch for the additional purpose of fish propagation. The tape on that hearing was not lost and that permit was issued December 5, 1983. Because that permit had been issued, we elected to file a new permit application rather than amend 36-7739. Consequently, 36-8335 was filed so as to seek authorization to use the same Buckeye water that has been diverted year around since 1983 for the additional purposes as specified in the permit.

All three applications, if approved, would be issued subject to all prior water rights. Obviously we recognize the rights of the Sands Ditch Association and can think of no instance in which their rights would be impacted by any of the three applications. Obviously the properties involved, including those served by the Sands Ditch, are within a water district and if the applications are approved, no water can be diverted other than according to the priority system so that all of the existing rights of the Sands Ditch prior to August 1, 1977, would be afforded priority over any of these three permits.

We would like the Association to consider withdrawing their protest. If on the other hand, there is some factor that I have overlooked in my analysis in this letter, I would appreciate hearing from you. If I can answer your questions, or if they can be answered by either Donnie McFadden in Hagerman, or Stoney Burke in Ketchum, please don't hesitate to contact one of them.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74041

Enclosures

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Department of Water Resources
Southern Region Office

February 3, 1988

Ms. Patsy Dunn, Secretary
Riverside Ranches, Inc.
816 Park Lane
Pocatello ID 83201

RE: Your Protests of Water Applications 36-7740, 36-7741, 36-7742 and 36-8335

Dear Ms. Dunn:

This firm represents Buckeye Farms concerning their recent water filings in Hagerman Valley. We note your protest of all four applications. However, I am having some problem analyzing your protest. As I understand your letter dated December 9, 1987, to the Department, your concern with the diversions is that they would reduce waters otherwise available to your trout facility during the irrigation season.

All of the water which is the subject of the above listed permits, 6.5 from Weatherby Springs (36-7740), 20 from the Curren Ditch (36-7742), and 12 from the Buckeye Ditch (36-8335), has been diverted during the irrigation season from Billingsley Creek since before the turn of the century. Most of the rights have priorities in the 1880's. The thrust of these applications is to seek permission for additional uses of these same waters during the irrigation season, as well as to seek the Department's approval for the diversion and use of the waters during the nonirrigation season.

All water rights issued by the Department are "subject to existing rights". We recognize that the rights of Riverside Ranches (except 36-7750 for 50 cfs for fish propagation use between October 1 and April 1 of each year) would be prior to these rights. In checking with the Department of Water Resources, we find License No. 36-7314 for 20 cfs issued to Smith with a priority date of March 15, 1973. The point of diversion and place of use indicate property at the mouth of Billingsley Creek in Section 11, Township 7 South, Range 13 East. We find License No. 36-7282 with a priority date of

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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

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Department of Water Resources
Southern Region Office

February 3, 1988

Calvin and Myrle Eckles
HC 60, Box 1255
Bliss ID 83314

RE: Your Protests of Water Applications 36-7740, 36-7741, 36-7742 and 36-8335

Dear Mr. and Mrs. Eckles:

This firm represents Buckeye Farms concerning their recent water filings in Hagerman Valley. We note your protest of all four applications. However, I am having some problem analyzing your protest. As I understand your letter dated December 9, 1987, to the Department, your concern with the diversions is that they would reduce waters otherwise available to your trout facility during the irrigation season.

All of the water which is the subject of the above listed permits, 6.5 from Weatherby Springs (36-7740), 20 from the Curren Ditch (36-7742), and 12 from the Buckeye Ditch (36-8335), has been diverted during the irrigation season from Billingsley Creek since before the turn of the century. Most of the rights have priorities in the 1880's. The thrust of these applications is to seek permission for additional uses of these same waters during the irrigation season, as well as to seek the Department's approval for the diversion and use of the waters during the nonirrigation season.

All water rights issued by the Department are "subject to existing rights". We recognize that the rights of Riverside Ranches (except 36-7750 for 50 cfs for fish propagation use between October 1 and April 1 of each year) would be prior to these rights. In checking with the Department of Water Resources, we find License No. 36-7314 for 20 cfs issued to Smith with a priority date of March 15, 1973. The point of diversion and place of use indicate property at the mouth of Billingsley Creek in Section 11, Township 7 South, Range 13 East. We find License No. 36-7282 with a priority date of

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These applications will validate other uses of water that is already being diverted. No more water will be taken in the irrigation season than is already taken. I am also having difficulty seeing how Buckeye's filings could impact your nonirrigation season water. The U.S.G.S. measurements at the gage near the mouth of Billingsley Creek show the lowest measurement of Billingsley Creek in March of 1980 at 143 cfs, and the highest of Billingsley Creek at that location in 1984 at 261 cubic feet per second on November 12. It seems to us that regardless of the disposition of Application Nos. 7740, 42 and 8335, Riverside Ranches' water right will not be impacted.

We also question your protest of 36-7741 since it involves the diversion of water from Riley Creek to the Buckeye Ranch. Riley Creek is in a totally different basin and the Hunt Ditch does not convey water to the Billingsley Creek drainage. I can't see how Riverside Ranches would be impacted by 36-7741.

If I can answer questions for you concerning the applications, copies of which I enclose for your convenience, please give me a call. All water rights are issued subject to prior water rights. The watermaster will be charged with the protection of your rights. We would ask you to consider withdrawing your protests.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74061

Enclosures

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February 3, 1988

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Department of Water Resources
Southern Region Office

Mr. H.L. Holmes
Rock Lodge Motel
Rt. #1
Hagerman ID 83332

RE: Protest of 36-7740, 36-7741 and 36-8335

Dear Mr. Holmes:

This firm represents Buckeye Farms in regard to the water applications they filed in late 1987. We note your protest to 36-7740, 36-7742, and 36-8335.

No. 36-7740 is an application to make additional use of water that is already diverted on a year round basis from Weatherby Springs. The purpose for the application is to validate the additional use of whatever water gets there from Weatherby Springs through the Bar S pipeline. In 1979, the court limited the amount of water that could be taken from Weatherby Springs by all of the users combined to 6.5 cfs during the irrigation season of March 1 until October 31. That same decree also limited the amount of water that could be taken in the winter between November 1 and March 1 to 4.0 cfs. The water has been consistently taken for as long as the pipeline has been in place, probably before the turn of the century. This water has never flown past your lodge unless the users diverted back into the creek so as to perform maintenance on their ditch or pipeline.

As to Application 36-7742, 20 cubic feet is decreed through the Curren Ditch to the property now owned by Buckeye Farms. In most years, they have taken a substantial portion of it to keep the pipelines from freezing in the nonirrigation season. Application 7742, if granted, would allow the diversion to be made into the Curren Ditch in an amount of 20 cfs for the Buckeye Farms property and the water to be used for fish propagation as well as the other uses as indicated on the application, a copy of which I enclose for your convenience. It could be diverted only subject to existing rights.

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The water sought to be used for additional purposes through Application 36-8835 is water that is already diverted into the head of the Buckeye Ditch on a year round basis. The irrigation right for the Buckeye Ranch predates the turn of the century. The ranch also has a August 1, 1977, priority to divert the same water and to use it for fish propagation on a year round basis. This water has been consistently diverted.

As best we can tell from the stream measurements, there is always between 150 and 250 cfs in Billingsley Creek at the location of your motel in the nonirrigation season. The only additional depletion by the issuance of these three permits to the flows of Billingsley Creek would be in the nonirrigation season between November 1 and March 1 when the flows in the creek are generally at their highest.

We appreciate your interest in the applications. If I can answer any questions, don't hesitate to contact me. Please consider withdrawing your protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74071

Enclosures

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Department of Water Resources
Southern Region Office

February 3, 1988

Mr. Stanley Hoskovec
2856 S. 900 E.
Hagerman ID 83332

RE: Your Protest to Application for Permit No. 36-7740

Dear Mr. Hoskovec:

This firm has been retained by Buckeye Farms in connection with certain water right applications they filed in late 1987. This letter is an attempt to answer your protest received by the Department on December 14, 1987.

As you will recall, on August 1, 1977, Buckeye Land Company filed an application to use water that the ranch was entitled to from Weatherby Springs for fish propagation purposes. This application was to allow the use of the water for the additional purpose of fish propagation, in addition to all the purposes for which the water was originally decreed to them. The application was protested and hearings were held. Unfortunately, the tapes of the hearings were lost by the Department of Water Resources and consequently the permit was never issued. In late 1987, the new owner, Buckeye Farms, filed Amended Application 36-7740. The application seeks nonconsumptive use of 6.5 cfs for fish propagation, recreation, aesthetics, and fish and wildlife habitat. As you know, if the application was granted, it would be issued subject to all prior water rights. It is an application to collect any water that gets to the Buckeye Ranch and to use it for the purposes set forth in the application. Both the new owners as well as Mr. McFadden recognize the rights of yourself and the other Weatherby Springs water users as prior. Diversions from Weatherby Springs are of course limited by the Stipulation of Fact and the Memorandum Opinion of the District Court in and for the County of Gooding in the case of Jones v. Reservoir Land Company, dated January 22, 1979. That Order limits the total diversions from Weatherby Springs during the irrigation season and the nonirrigation season and obviously Application No. 36-7740 is subject to that court order.

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Donnie McFadden informs us that since that court order, the other users of Weatherby Springs have taken the water during the irrigation season with his permission, only what's left flowing down to the Buckeye Ranch. This application is in no way intended to conflict or refute your rights to the water from Weatherby Springs.

The purpose for the application is to seek the State's permission to use whatever water gets to the Buckeye Ranch for the purposes set out in the application. It is certainly not the intention of the applicant to seek 6.5 cfs in the summertime, or 4.0 cfs in the wintertime to deprive you or other Weatherby Springs users of vested water rights. However, since some water does eventually get to the ranch under some conditions, we need to have a state permit to approve the uses that would be made at that point. That is the purpose for the amended 36-7740.

I would be pleased to answer any further questions that you have concerning the matter. Also, don't hesitate to call Donnie McFadden. I am sure one of us will be able to find the answers for you.

Perhaps an additional condition can be imposed on the permit that would assure you in regard to the two points you make in your protest letter. I would ask you to consider that as an alternative and then withdrawing the protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74011

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Department of Water Resources
Southern Region Office

February 3, 1988

Mr. Stanley E. Hoskovec, Vice President
Weatherby Springs Water Users Group
2856 S. 900 E.
Hagerman ID 83332

RE: Your Protest to Application for Permit No. 36-7740

Dear Mr. Hoskovec:

This firm has been retained by Buckeye Farms in connection with certain water right applications they filed in late 1987. This letter is an attempt to answer your protest received by the Department on December 14, 1987.

As you will recall, on August 1, 1977, Buckeye Land Company filed an application to use water that the ranch was entitled to from Weatherby Springs for fish propagation purposes. This application was to allow the use of the water for the additional purpose of fish propagation, in addition to all the purposes for which the water was originally decreed to them. The application was protested and hearings were held. Unfortunately, the tapes of the hearings were lost by the Department of Water Resources and consequently the permit was never issued. In late 1987, the new owner, Buckeye Farms, filed Amended Application 36-7740. The application seeks nonconsumptive use of 6.5 cfs for fish propagation, recreation, aesthetics, and fish and wildlife habitat. As you know, if the application was granted, it would be issued subject to all prior water rights. It is an application to collect any water that gets to the Buckeye Ranch and to use it for the purposes set forth in the application. Both the new owners as well as Mr. McFadden recognize the rights of yourself and the other Weatherby Springs water users as prior. Diversions from Weatherby Springs are of course limited by the Stipulation of Fact and the Memorandum Opinion of the District Court in and for the County of Gooding in the case of Jones v. Reservoir Land Company, dated January 22, 1979. That Order limits the total diversions from Weatherby Springs during the irrigation season and the nonirrigation season and obviously Application No. 36-7740 is subject to that court order.

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Donnie McFadden informs us that since that court order, the other users of Weatherby Springs have taken the water during the irrigation season with his permission, only what's left flowing down to the Buckeye Ranch. This application is in no way intended to conflict or refute your rights to the water from Weatherby Springs.

The purpose for the application is to seek the State's permission to use whatever water gets to the Buckeye Ranch for the purposes set out in the application. It is certainly not the intention of the applicant to seek 6.5 cfs in the summertime, or 4.0 cfs in the wintertime to deprive you or other Weatherby Springs users of vested water rights. However, since some water does eventually get to the ranch under some conditions, we need to have a state permit to approve the uses that would be made at that point. That is the purpose for the amended 36-7740.

I would be pleased to answer any further questions that you have concerning the matter. Also, don't hesitate to call Donnie McFadden. I am sure one of us will be able to find the answers for you.

Perhaps an additional condition can be imposed on the permit that would assure you in regard to the two points you make in your protest letter. I would ask you to consider that as an alternative and then withdrawing the protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74141

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Department of Water Resources
Southern Region Office

February 3, 1988

Ms. Barbara Hoskovec
2856 S. 900 E.
Hagerman ID 83332

RE: Your Protest to Application for Permit No. 36-7740

Dear Ms. Hoskovec:

This firm has been retained by Buckeye Farms in connection with certain water right applications they filed in late 1987. This letter is an attempt to answer your protest received by the Department on December 14, 1987.

As you will recall, on August 1, 1977, Buckeye Land Company filed an application to use water that the ranch was entitled to from Weatherby Springs for fish propagation purposes. This application was to allow the use of the water for the additional purpose of fish propagation, in addition to all the purposes for which the water was originally decreed to them. The application was protested and hearings were held. Unfortunately, the tapes of the hearings were lost by the Department of Water Resources and consequently the permit was never issued. In late 1987, the new owner, Buckeye Farms, filed Amended Application 36-7740. The application seeks nonconsumptive use of 6.5 cfs for fish propagation, recreation, aesthetics, and fish and wildlife habitat. As you know, if the application was granted, it would be issued subject to all prior water rights. It is an application to collect any water that gets to the Buckeye Ranch and to use it for the purposes set forth in the application. Both the new owners as well as Mr. McFadden recognize the rights of yourself and the other Weatherby Springs water users as prior. Diversions from Weatherby Springs are of course limited by the Stipulation of Fact and the Memorandum Opinion of the District Court in and for the County of Gooding in the case of Jones v. Reservoir Land Company, dated January 22, 1979. That Order limits the total diversions from Weatherby Springs during the irrigation season and the nonirrigation season and obviously Application No. 36-7740 is subject to that court order.

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Donnie McFadden informs us that since that court order, the other users of Weatherby Springs have taken the water during the irrigation season with his permission, only what's left flowing down to the Buckeye Ranch. This application is in no way intended to conflict or refute your rights to the water from Weatherby Springs.

The purpose for the application is to seek the State's permission to use whatever water gets to the Buckeye Ranch for the purposes set out in the application. It is certainly not the intention of the applicant to seek 6.5 cfs in the summertime, or 4.0 cfs in the wintertime to deprive you or other Weatherby Springs users of vested water rights. However, since some water does eventually get to the ranch under some conditions, we need to have a state permit to approve the uses that would be made at that point. That is the purpose for the amended 36-7740.

I would be pleased to answer any further questions that you have concerning the matter. Also, don't hesitate to call Donnie McFadden. I am sure one of us will be able to find the answers for you.

Perhaps an additional condition can be imposed on the permit that would assure you in regard to the two points you make in your protest letter. I would ask you to consider that as an alternative and then withdrawing the protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74021

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Department of Water Resources
Southern Region Office

February 3, 1988

Mrs. Stanley Hoskovec
Rt. #1 Box 50
Hagerman ID 83332

RE: Your Protest to Application for Permit No. 36-7740

Dear Mrs. Hoskovec:

This firm has been retained by Buckeye Farms in connection with certain water right applications they filed in late 1987. This letter is an attempt to answer your protest received by the Department on December 14, 1987.

As you will recall, on August 1, 1977, Buckeye Land Company filed an application to use water that the ranch was entitled to from Weatherby Springs for fish propagation purposes. This application was to allow the use of the water for the additional purpose of fish propagation, in addition to all the purposes for which the water was originally decreed to them. The application was protested and hearings were held. Unfortunately, the tapes of the hearings were lost by the Department of Water Resources and consequently the permit was never issued. In late 1987, the new owner, Buckeye Farms, filed Amended Application 36-7740. The application seeks nonconsumptive use of 6.5 cfs for fish propagation, recreation, aesthetics, and fish and wildlife habitat. As you know, if the application was granted, it would be issued subject to all prior water rights. It is an application to collect any water that gets to the Buckeye Ranch and to use it for the purposes set forth in the application. Both the new owners as well as Mr. McFadden recognize the rights of yourself and the other Weatherby Springs water users as prior. Diversions from Weatherby Springs are of course limited by the Stipulation of Fact and the Memorandum Opinion of the District Court in and for the County of Gooding in the case of Jones v. Reservoir Land Company, dated January 22, 1979. That Order limits the total diversions from Weatherby Springs during the irrigation season and the nonirrigation season and obviously Application No. 36-7740 is subject to that court order.

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Donnie McFadden informs us that since that court order, the other users of Weatherby Springs have taken the water during the irrigation season with his permission, only what's left flowing down to the Buckeye Ranch. This application is in no way intended to conflict or refute your rights to the water from Weatherby Springs.

The purpose for the application is to seek the State's permission to use whatever water gets to the Buckeye Ranch for the purposes set out in the application. It is certainly not the intention of the applicant to seek 6.5 cfs in the summertime, or 4.0 cfs in the wintertime to deprive you or other Weatherby Springs users of vested water rights. However, since some water does eventually get to the ranch under some conditions, we need to have a state permit to approve the uses that would be made at that point. That is the purpose for the amended 36-7740.

I would be pleased to answer any further questions that you have concerning the matter. Also, don't hesitate to call Donnie McFadden. I am sure one of us will be able to find the answers for you.

Perhaps an additional condition can be imposed on the permit that would assure you in regard to the two points you make in your protest letter. I would ask you to consider that as an alternative and then withdrawing the protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74151

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February 3, 1988

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

RE: Protests of Water Applications 36-7740, 36-7741, 36-7742 and 36-8335

Dear Ms. Mercer:

This firm has been retained to help Buckeye Farms with water right Application Nos. 36-7740, 36-7741, 36-7742 and 36-8335.

Three of these applications, 40, 41 and 42, were originally filed in 1977. As I recall, you did not protest any of these applications then. You did however protest Application No. 36-7739, which was eventually issued in 1983 allowing the Buckeye Ranch to divert their entitlement in the Buckeye Ditch on a year round basis for fish propagation as well as the other uses which had been decreed. Application 36-8335 is a similar application. It seeks approval for the additional uses for the diversion of the same water that is presently being diverted on a year round basis to the Buckeye Ranch. Those uses are, we think, positive uses that will enhance not only the value of the property now owned by Buckeye Farms, but the aesthetic environment of the whole valley.

Application 36-7740 is similar to 36-7739. It seeks the additional use of water already diverted from Weatherby Springs. You will remember that in 1979, the court limited the diversion from Weatherby Springs to 6.5 cfs in the irrigation season between March 1 and October 31, and to 4.0 cfs between November 1 and March 1. This application seeks the additional use of any water that reaches properties now owned by Buckeye Farms for fish propagation and for the additional purposes of recreation, aesthetics, and fish and wildlife habitat.

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No. 36-7742 is an application to use the Curren Ditch water entitlement of the Buckeye Farms property for similar purposes. Although all of the water has not all been diverted on a year round basis, most of it has. The Buckeye's property right is 20 cubic feet per second. Application 36-7742 seeks the diversion of 20 cfs on a year round basis with the addition of trout propagation, recreation, aesthetics and fish and wildlife habitat as validated uses. Application No. 36-7741 involves the waters of Riley Creek that are diverted to the Buckeye Farms property through the Hunt Ditch. It's already diverted and used year around by LeMoyne and presently flows year around to the ranch. Billingsley Creek cannot be affected one way or another by this application.

All applications issued by the Idaho Department of Water Resources must be issued subject to all existing rights. It is not the applicant's intention to take water to which others are entitled. The thrust of these applications is to obtain permission to develop the Buckeye Farms property for the other uses which I have above enumerated.

Application Nos. 7740, 7741 and 7742 were the subject of hearings by the Department of Water Resources in February of 1978. For whatever reason, the tapes of the hearings were lost and the applications were never approved. The applicants are now seeking the approval of those same diversions as well as the addition beneficial uses which were not then recognized.

If I can answer any questions for you, please don't hesitate to contact me. We'd ask that you consider dropping your protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74171

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February 3, 1988

Ms. Edna M. Rea
P.O. Box 543
Wendell ID 83355

RE: Your Protest to Application for Permit No. 36-7740

Dear Ms. Rea:

This firm has been retained by Buckeye Farms in connection with certain water right applications they filed in late 1987. This letter is an attempt to answer your protest received by the Department on December 14, 1987.

As you will recall, on August 1, 1977, Buckeye Land Company filed an application to use water that the ranch was entitled to from Weatherby Springs for fish propagation purposes. This application was to allow the use of the water for the additional purpose of fish propagation, in addition to all the purposes for which the water was originally decreed to them. The application was protested and hearings were held. Unfortunately, the tapes of the hearings were lost by the Department of Water Resources and consequently the permit was never issued. In late 1987, the new owner, Buckeye Farms, filed Amended Application 36-7740. The application seeks nonconsumptive use of 6.5 cfs for fish propagation, recreation, aesthetics, and fish and wildlife habitat. As you know, if the application was granted, it would be issued subject to all prior water rights. It is an application to collect any water that gets to the Buckeye Ranch and to use it for the purposes set forth in the application. Both the new owners as well as Mr. McFadden recognize the rights of yourself and the other Weatherby Springs water users as prior. Diversions from Weatherby Springs are of course limited by the Stipulation of Fact and the Memorandum Opinion of the District Court in and for the County of Gooding in the case of Jones v. Reservoir Land Company, dated January 22, 1979. That Order limits the total diversions from Weatherby Springs during the irrigation season and the nonirrigation season and obviously Application No. 36-7740 is subject to that court order.

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Donnie McFadden informs us that since that court order, the other users of Weatherby Springs have taken the water during the irrigation season with his permission, only what's left flowing down to the Buckeye Ranch. This application is in no way intended to conflict or refute your rights to the water from Weatherby Springs.

The purpose for the application is to seek the State's permission to use whatever water gets to the Buckeye Ranch for the purposes set out in the application. It is certainly not the intention of the applicant to seek 6.5 cfs in the summertime, or 4.0 cfs in the wintertime to deprive you or other Weatherby Springs users of vested water rights. However, since some water does eventually get to the ranch under some conditions, we need to have a state permit to approve the uses that would be made at that point. That is the purpose for the amended 36-7740.

I would be pleased to answer any further questions that you have concerning the matter. Also, don't hesitate to call Donnie McFadden. I am sure one of us will be able to find the answers for you.

Perhaps an additional condition can be imposed on the permit that would assure you in regard to the two points you make in your protest letter. I would ask you to consider that as an alternative and then withdrawing the protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74121

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John A. Sandy, Secretary-Treasurer
Troutco
P.O. Box 326
Hagerman ID 83332

RE: Your Protest Against Applications 36-7740, 36-7742 and 36-8335

Dear Mr. Sandy:

This firm has been retained by Buckeye Farms to help them with the water right applications they filed in late 1987.

You probably know better than anyone, that 36-7740 is an application that was filed in 1977 seeking the winter use of up to 10 cubic feet of water from Weatherby Springs on the Buckeye Ranch property for trout propagation. A protest hearing was held in 1978 and unfortunately the tapes were lost. Consequently, the application has never been issued. You and your then partner later filed suit concerning the same water. The court restricted the diversions for the other users from Weatherby Springs to 6.5 cfs between March 1 and October 31 and to 4.0 cfs from November 1 until March 1 of each year. It is not the intention of the applicant to divert over and above the amounts that were set out in the court's order of 1979. The purpose for the application is to allow the use of any water diverted pursuant to that stipulation for fish propagation, recreation, aesthetics, and fish and wildlife purposes on Buckeye Farms property if the water gets there. There would be no new water diverted pursuant to this application.

Application 36-8335 seeks only permission to use water under the decreed irrigation rights to the Buckeye Ranch and Permit 36-7739 which authorized year round trout propagation. The additional uses sought are recreation, aesthetics, and fish and wildlife habitat. There would be no new diversion or additional diversion of Billingsley Creek water under 36-8335.

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Permit 36-7739 has a priority date in advance of either of your Permits 36-7834 or 36-8058.

Application 36-7742 would allow the rights of Buckeye Farms to Billingsley Creek water to be diverted through the Curren Ditch on a year round basis. The water has traditionally been diverted during the traditional irrigation season and during some years in the winter. Water is always diverted for the purpose of keeping the pipelines full to avoid freezing. This permit would allow year round diversion adding additional beneficial uses of trout propagation, recreation, aesthetics, and fish and wildlife habitat. Even though we will attempt to establish an August 1, 1977, priority date for this application, because the Department lost the tapes following the protest hearing held in 1978, it seems to me that your protest may be frivolous inasmuch as your Permit No. 36-7834 is subordinated, and there is always 100 cfs at your diversion in the wintertime to fill Application 36-8058.

If I can answer any questions for you, don't hesitate to contact me. Please consider withdrawing your protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74221

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Southern Region Office

February 3, 1988

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

Dear Mr. and Mrs. Shokal:

This firm has been retained to help Buckeye Farms with water right Application Nos. 36-7740, 36-7741, 36-7742 and 36-8335.

Three of these applications, 40, 41 and 42, were originally filed in 1977. As I recall, you did not protest any of these applications then. You did however protest Application No. 36-7739, which was eventually issued in 1983 allowing the Buckeye Ranch to divert their entitlement in the Buckeye Ditch on a year round basis for fish propagation as well as the other uses which had been decreed. Application 36-8335 is a similar application to seek approval for the additional uses for the diversion of the same water that is presently being diverted on a year round basis to the Buckeye Ranch. Those uses are, we think, positive uses that will enhance not only the value of the property now owned by Buckeye Farms, but the aesthetic environment of the whole valley.

Application 36-7740 is along the same line. It seeks the additional use of water already diverted from Weatherby Springs. You will remember that in 1979, the court limited the diversion from Weatherby Springs to 6.5 cfs in the irrigation season between March 1 and October 31, and to 4.0 cfs between November 1 and March 1. This application seeks the additional use of any water that reaches properties now owned by Buckeye Farms for fish propagation and for the additional purposes of recreation, aesthetics, and fish and wildlife habitat.

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

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is 20 cubic feet per second. Application 36-7742 seeks the diversion of 20 cfs on a year round basis with the addition of trout propagation, recreation, aesthetics and fish and wildlife habitat as validated uses. Application No. 36-7741 involves the waters of Riley Creek that are diverted to the Buckeye Farms property through the Hunt Ditch. Billingsley Creek cannot be effected one way or another by this application.

All applications issued by the Idaho Department of Water Resources must be issued subject to all existing rights. It is not the applicant's intention to take water to which others are entitled. The thrust of these applications is to obtain permission to develop the Buckeye Farms property for the other uses which I have above enumerated.

Application Nos. 7740, 7741 and 7742 were the subject of hearings by the Department of Water Resources in February of 1978. For whatever reason, the tapes of the hearings were lost and the applications were never approved. The applicants are now seeking the approval of those same diversions as well as the additional beneficial uses which were not then recognized.

If I can answer any questions for you, please don't hesitate to contact me. I'd ask you to reconsider your protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74081

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February 3, 1988

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

RE: Your Protests of Water Applications 36-7740, 36-7741, 36-7742 and 36-8335

Dear Mr. Smith:

This firm represents Buckeye Farms concerning their recent water filings in Hagerman Valley. We note your protest of all four applications. However, I am having some problem analyzing your protest. As I understand your letter dated December 9, 1987, to the Department, your concern with the diversions is that they would reduce waters otherwise available to your trout facility during the irrigation season.

All of the water which is the subject of the above listed permits, 6.5 from Weatherby Springs (36-7740), 20 from the Curren Ditch (36-7742), and 12 from the Buckeye Ditch (36-8335), has been diverted during the irrigation season from Billingsley Creek since before the turn of the century. Most of the rights have priorities in the 1880's. The thrust of these applications is to seek permission for additional uses of these same waters during the irrigation season, as well as to seek the Department's approval for the diversion and use of the waters during the nonirrigation season.

All water rights issued by the Department are "subject to existing rights". We recognize that the rights of Riverside Ranches (except 36-7750 for 50 cfs for fish propagation use between October 1 and April 1 of each year) would be prior to these rights. In checking with the Department of Water Resources, we find License No. 36-7314 for 20 cfs issued to Smith with a priority date of March 15, 1973. The point of diversion and place of use indicate property at the mouth of Billingsley Creek in Section 11, Township 7 South, Range 13 East. We find License No. 36-7282 with a priority date of

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January 5, 1973, for 36 cfs at the same place of use. We also find Permit No. 36-7750 (above referred to) with a priority date of September 19, 1977, in the name of Smith for the use of Billingsley Creek water at the same location, and an additional use location of the SWNW of Section 11. We also find a statutory claim to the use of 1.2 cfs for irrigation and stock water at the same location under Claim No. 36-4022.

These applications will validate other uses of water that is already being diverted. No more water will be taken in the irrigation season than is already taken. I am also having difficulty seeing how Buckeye's filings could impact your nonirrigation season water. The U.S.G.S. measurements at the gage near the mouth of Billingsley Creek show the lowest measurement of Billingsley Creek in March of 1980 at 143 cfs, and the highest of Billingsley Creek at that location in 1984 at 261 cubic feet per second on November 12. It seems to us that regardless of the disposition of Application Nos. 7740, 42 and 8335, Riverside Ranches' water right will not be impacted.

We also question your protest of 36-7741 since it involves the diversion of water from Riley Creek to the Buckeye Ranch. Riley Creek is in a totally different basin and the Hunt Ditch does not convey water to the Billingsley Creek drainage. I can't see how Riverside Ranches would be impacted by 36-7741.

If I can answer questions for you concerning the applications, copies of which I enclose for your convenience, please give me a call. All water rights are issued subject to prior water rights. The watermaster will be charged with the protection of your rights. We would ask you to consider withdrawing your protests.

Incidentally, all water rights held by everyone will have to be refiled in the Snake River Adjudication. It is anticipated that everyone will therein be required to again justify their water diversions.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74101

Enclosures

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February 3, 1988

Robert M. Strom
931 E. Justice Grade
Hagerman ID 83332

RE: Buckeye Farms -- Your Protest of Application for Permit No. 36-7740

Dear Mr. Strom:

This firm has been retained by Buckeye Farms to help them concerning some water applications they filed in late 1987.

Permit No. 36-7740 is an application to use whatever water gets to Buckeye Farms property from Weatherby Springs. As you know, this application was originally filed August 1, 1977 and a protest hearing was held. Unfortunately the Department of Water Resources lost the tapes, so no permit was ever issued. The present application seeks to use any water that gets to the Buckeye Ranch on a year round basis for fish propagation as well as the originally decreed uses of irrigation, stock water, and others.

A court decree in 1979 limited the diversions from Weatherby Springs through the old Bar S pipeline to 6.5 cfs between March 1 and October 31 and to 4.0 cfs between November 1 and March 1. It is not the intention of this application to increase those diversions, which presently are made on a year round basis. The purpose for the application is to obtain permission from the State of Idaho to use the water that gets to the ranch for fish propagation, recreation, aesthetics, and fish and wildlife propagation. I enclose a copy of Application No. 36-7740 for your information. As I understand your protest, the granting of this application will have no effect on the flow of Billingsley Creek near your home.

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If I can answer any questions for you, don't hesitate to contact me. We'd ask that you consider withdrawing your protest.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74181

Enclosure

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February 3, 1988

Bruce H. and Denny Tyler
P.O. Box 567
Hagerman ID 83332

RE: Application for Water Permits -- 36-8335, 36-7740 and 36-7742

Dear Mr. and Mrs. Tyler:

This firm has been retained by Buckeye Farms to assist them concerning the water rights they filed in late 1987. We are aware of your protest of the above applications.

Application No. 36-8335 seeks the use of water for recreation, aesthetics, and fish and wildlife habitat. It is water presently diverted into the Buckeye Ditch on a year round basis for irrigation and fish propagation pursuant to decreed rights and to Permit No. 36-7739. It is not a new taking of water or a taking of additional water.

No. 36-7740 is an application that would allow the use of any water that gets to the Buckeye Ditch through the Bar S pipeline from Weatherby Springs. As you may or may not know, diversions from Weatherby Springs into that pipeline are limited by court decree of 1979. The users of that water are entitled to divert 6.5 cfs for irrigation purposes between March 1 and October 31 of each year. The decree also states that only 4.0 cfs can be used between November 1 and March 1 for wintertime uses. The application as filed herein seeks only the additional use of any water from that diversion that eventually finds its way to the Buckeye Ranch.

No. 36-7742 is a similar application seeking permission to 20 cubic feet of water for additional purposes. The 20 cubic foot diversion from Billingsley Creek through the Curren Ditch is decreed to the ranch owned by Buckeye Farms. For the most part, it has been diverted on a year round basis historically. In some years not all of the 20 has been taken, but a substantial amount has always been taken to keep the

MICROFILMED
AUG 01 1988

existing pipelines from freezing. This proposal would allow the diversion of up to 20 cubic feet for those times of the year when it is not presently diverted, for the additional use of the water for fish propagation, recreation, aesthetics, and fish and wildlife habitat. As I understand, it could cause the diversion of up to 8 to 10 cfs of additional water from Billingsley Creek between the end of the irrigation season and the beginning of the next irrigation season, but subject to prior existing rights.

Water measurements that I have looked at indicate that the high flow period in Hagerman is in the winter months, with the flows from the springs tapering down in the summertime.

The water sought to be diverted pursuant to these applications is already diverted in total during the irrigation season. The summer flows will not be impacted by these applications. The winter flows, which measured as high as 261 cubic feet at the mouth of Billingsley Creek in 1984, would be impacted up to a maximum of 10 cfs at the location of your property. In other words, if the nonirrigation season flow were 200 at the mouth of Billingsley Creek, and it is 170 cfs at your property, if all of these diversions were approved, there would be 160 cfs at your property in the nonirrigation season.

If I can be of assistance to you in answering any further questions, please don't hesitate to contact me.

Please reconsider your protest.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT

JAR:dcb
74201

MICROFILMED
AUG 01 1988

LAW OFFICES
DECKER AND HOLLIFIELD, P.A.

FRED D. DECKER
WILLIAM R. HOLLIFIELD
DAN C. GROBER

249-THIRD AVENUE EAST
P. O. BOX 66
TWIN FALLS, IDAHO 83303-0066
TELEPHONE (208) 734-5610 · 734-2950

RECEIVED
JAN 29 1988
Department of Water Resources
Southern Region Office

January 28, 1988

Loren O. Holmes, P.E.
Southern Region Manager
Department of Water Resources
2148 Fourth Avenue East
Twin Falls, ID 83301

RE: Application for Permit No. 36-7740, Buckeye Farms, Inc.

Dear Loren:

The purpose of this letter is to inform you that we will be appearing on behalf of Mr. Verl Bell, who has protested the amended application No. 36-7740 filed by Buckeye Farms, Inc.

We plan to attend the hearing tentatively scheduled for March 1, 1988. and present evidence in support of Mr. Bell's protest of Permit No. 36-7740. Would you please send us notice of the hearing as soon as definite plans are made?

If you have any questions with regard to our appearance on behalf of Mr. Bell, please call us.

Sincerely yours,

FRED D. DECKER

FDD:ws 3-55-4

cc Verl Bell

MICROFILMED
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?

MICROFILMED
AUG 01 1988

4) Has the applicant sufficient financial resources with which to complete the proposed project?

5) Will the proposed use conflict with the local public interest?

If you have any questions or if we can be of assistance, please contact this office.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LOH

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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 21, 1988

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

Re: Applications for Permit 36-7740
Buckeye Farms Inc.

Dear Mr. Nungester:

The above referenced amended application for permit has been advertised and a number of protests have been received in addition to your continuing protest. A list of current parties in the mattter is enclosed.

This office tentatively plans to schedule the matter for hearing on March 1, 1988. Notices will be sent by certified mail about February 8, 1988 giving the time and place for the hearing.

The Stipulation of Facts and Memorandum Opinion received from you on December 7, 1988 will be retained in the file to be considered along with other information.

At a hearing before the Department, the following are the principal items which can be considered in approving or denying an application for permit (IDAHO CODE, Sec. 42-203):

1) Will the proposed use reduce the quantity of water under existing rights?

2) Is the proposed water supply insufficient for the purposes intended?

3) Is the application made in good faith or for delay or speculative purposes?

MICROFILMED
AUG 01 1988

4) Has the applicant sufficient financial resources with which to complete the proposed project?

5) Will the proposed use conflict with the local public interest?

If you have any questions or if we can be of assistance, please contact this office.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LOH

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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 21, 1988

Thousand Springs Trout Co.
Box 232
Buhl, ID 83316

Re: Applications for Permit 36-7740, 36-7742
Buckeye Farms Inc.

Dear Protestant:

The above referenced amended applications for permit have been advertised and a number of protests have been received in addition to your continuing protest. A list of current parties in the mattter is enclosed.

This office tentatively plans to schedule the matter for hearing on March 1, 1988. Notices will be sent by certified mail about February 8, 1988 giving the time and place for the hearing.

At a hearing before the Department, the following are the principal items which can be considered in approving or denying an application for permit (IDAHO CODE, Sec. 42-203):

1) Will the proposed use reduce the quantity of water under existing rights?

2) Is the proposed water supply insufficient for the purposes intended?

3) Is the application made in good faith or for delay or speculative purposes?

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AUG 01 1988

4) Has the applicant sufficient financial resources with which to complete the proposed project?

5) Will the proposed use conflict with the local public interest?

If you have any questions or if we can be of assistance, please contact this office.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LOH

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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 21, 1988

Idaho Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Re: Applications for Permit 36-7740, 36-7742
Buckeye Farms Inc.

Gentlemen:

The above referenced amended applications for permit have been advertised and a number of protests have been received in addition to your continuing protest. A list of current parties in the mattter is enclosed.

This office tentatively plans to schedule the matter for hearing on March 1, 1988. Notices will be sent by certified mail about February 8, 1988 giving the time and place for the hearing.

At a hearing before the Department, the following are the principal items which can be considered in approving or denying an application for permit (IDAHO CODE, Sec. 42-203):

1) Will the proposed use reduce the quantity of water under existing rights?

2) Is the proposed water supply insufficient for the purposes intended?

3) Is the application made in good faith or for delay or speculative purposes?

MICROFILMED
AUG 01 1988

4) Has the applicant sufficient financial resources with which to complete the proposed project?

5) Will the proposed use conflict with the local public interest?

If you have any questions or if we can be of assistance, please contact this office.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LOH

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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

4) Has the applicant sufficient financial resources with which to complete the proposed project?

5) Will the proposed use conflict with the local public interest?

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

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LOH
Encl
cc: John Rosholt w/encl

MICROFILMED
AUG 01 1988

To: The Idaho Dept. of Water Resources December 14, 1987

Dear Sirs:

I wish to protest the granting of the amended application for permit to appropriate the public waters of the State of Idaho. Permit identification No. 36-7740 for the follow reason.

The 6.5 cfs of water applied for in this application from Weatherby Springs is currently and has historically been used by members of the Weatherby Springs Water Users Group.

I wish to be notified in writting of all developments concerning this application.

Thank You

Verl C. Bell

Verl C. Bell, Pres
President Water users Group.
Rt. 1 Box 42
Hagerman, Idaho 83332

Stanley E. Hoskovec

Stanley E. Hoskovec
Vice President Water users Group
Rt. 1 Box
Hagerman, Idaho 83332

RECEIVED
DEC 14 1987
Department of Water Resources
Southern Region Office

MICROFILMED
AUG 01 1988

RECEIVED
DEC 14 1987
Department of Water Resources
Southern Region Office

W. F. Ringert
RINGERT, CLARK, HARRINGTON, REID,
CHRISTENSON & KAUFMAN, CHARTERED
599 West Bannock Street, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

Attorneys for Protestants

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
OFFICE OF THE DIRECTOR

IN THE MATTER OF THE APPLICATION OF BUCKEYE FARMS, INC., FOR A PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 36-7740	PROTEST OF CLEAR LAKES TROUT COMPANY AND FISHERIES DEVELOPMENT COMPANY

COME NOW Clear Lakes Trout Company, an Idaho corporation, and Fisheries Development Company, an Idaho corporation, whose addresses are 1301 Vista Avenue, Boise, Idaho, 83705, by and through their undersigned attorneys, and protest against the approval of Application No. 36-7740 by Buckeye Farms, Inc., for a permit to appropriate the public waters of the State of Idaho, on the following grounds:

1. That the use proposed by the Application will reduce the quantity of water under existing water rights;

2. That the use proposed by the Application will conflict with the local public interest.

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AUG 01 1988

This Protest is filed in accordance with the provisions of Idaho Code §42-203A, and the rules and regulations of the

Department of Water Resources of the State of Idaho.

Dated this 11th day of December, 1987.

RINGERT, CLARK, HARRINGTON, REID,
CHRISTENSON & KAUFMAN, CHARTERED

By W. F. Ringert

W. F. Ringert
Attorneys for Protestant
P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

MICROFILMED
AUG 01 1988

To:The Idaho Dept. of Water Resources December 14, 1987

Dear Sirs:

I Wish to protest the amended application for permit to appropriate the public waters of the State of Idaho. Permit identification No. 36-7740 for several reasons.

1. The permit is so different from the original that it should be considered a new filing because.
   a. the purpose of the original was to perfect additional use of water for non-consumptive fish use of water decreed to applicant. The new amended application seeks to use water decreed to others.

2. Water applied for is NOT presently decreed and divered and used at Buckeye Ranch pursuant to the New International Mortgage Bank vs Idaho Power Co. decree as stated in the application. This water from Weatherby Springs as defined by a decree of The District Court of the Fourth Judicial District of the State of Idaho in and for the County of Lincoln, which said decree is recorded in Book One (1) of judgments of the records of said Lincoln County at page 312 thereof, and in Book A of Civil judgements at page 198, thereof, of the transcribed records of Gooding County, Idaho. This water is further decreed by The Ajudication in the case of the New International Mortgage and Loan vs Idaho Power Co in 1932.

The portion of this water known as the W. H. Clifford decree has been in use since approximately 1918.

I wish to be notified in writting of developments concerning this application.

AUG 01 1988

Thank You

Verl C. Bell
Rt. 1 Box 42
Hagerman, Idaho 83332

Edna M. Rea
Edna Rea
P.O. Box 543
Wendell, Idaho 83355

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DEC 14 1987
Department of Water Resources
Southern Region Office

To:The Idaho Dept. of Water Resources December 14, 1987

RECEIVED
DEC 14 1987
Department of Water Resources
Southern Region Office

Dear Sirs:

I Wish to protest the amended application for permit to appropriate the public waters of the State of Idaho. Permit identification No. 36-7740 for several reasons.

1. The permit is so different from the original that it should be considered a new filing because.
   a. the purpose of the original was to perfect additional use of water for non-consumptive fish use of water decreed to applicant. The new amended application seeks to use water decreed to others.

2. Water applied for is NOT presently decreed and divered and used at Buckeye Ranch pursuant to the New International Mortgage Bank vs Idaho Power Co. decree as stated in the application. This water from Weatherby Springs as defined by a decree of The District Court of the Fourth Judicial District of the State of Idaho in and for the County of Lincoln, which said decree is recorded in Book One (1) of judgments of the records of said Lincoln County at page 312 thereof, and in Book A of Civil judgements at page 198, thereof, of the transcribed records of Gooding County, Idaho. This water is further decreed by The Ajudication in the case of the New International Mortgage and Loan vs Idaho Power Co in 1932.

The portion of this water known as the W. H. Clifford decree has been in use since approximately 1918.

I wish to be notified in writting of developments concerning this application.

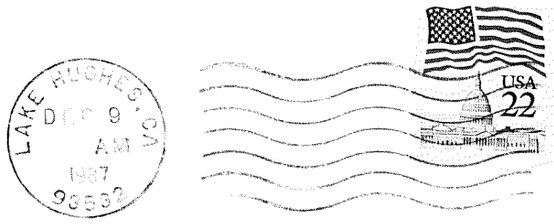
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AUG 01 1988

Thank You

Stanley E. Workman
2856 South 900 East
Hagerman Idd 83332

Barbara Haskew
2856 south 900 East
Hagerman, Idd. 83332

Mr & Mrs Bruce Tyler
P. O. Box 567
Hagerman, Id 83332



Director of Water Resources
Southern Region
2148 4th Ave. E.
Twin Falls, Id 83301

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DEC 11 1987
Department of Water Resources
Southern Region Office

Director of Water Resources
Southern Region
2148 4th Avenue E.
Twin Falls, Id 83301

Dear Sirs:

As owners of a home on 4½ acres at the juncture of Billingsley Creek and Highway 30, we protest Filings # 36-8335, 36-7740 and 36-7742 concerning water diversion from Billingsley Creek. Any flow diversion would damage the esthetic and financial value to our property.

Yours truly,
Bruce N. Tyler
Penny Tyler

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DEC 10 1987
Department of Water Resources
Southern Region Office

HAGERMAN, IDA.
DEC. 10, 1987

DEAR SIRS:

WE THE SAND DITCH WATER USER'S ASSOCIATION, do RESPECTFULLY PROTEST BUCKEYE FARMS INC. APPLICATION FOR WATER PERMITS AS FOLLOWS:

NO. 36-8335
NO. 36-7740
NO. 36-7742.

THE GROUNDS FOR PROTESTING THESE APPLICATIONS ARE FOR EACH= THERE IS NOT SUFFICIENT WATER TO GRANT THESE PERMITS AND STILL FILL LICENSED WATER HOLDINGS ON THE LOWER BILLINGLEY CREEK.

Richard L. Cook
PRES. of SANDS DITCH

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Department of Water Resources
Southern Region Office

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DEC 10 1987
Department of Water Resources
Southern Region Office

December 9, 1987
816 Park Lane
Pocatello, Idaho
83201

R. Keith Higginson, Director
Dept. of Water Resources
Southern Region, 2148 4th Ave. E.
Twin Falls, Idaho 83301

Dear Mr. Higginson:

Riverside Ranches, Inc. of Hagerman protests filings listed below

36-7740
36-7741
36-7742
36-8335

Our main reason to protest is our trout business at the mouth of Billingsley creek. We already fall short of water in the summer months. Any change above us would certainly jeopardize our fish propagation. We have lost a crop of fish because of a change and must be very cautious if we put fish in during the peak of irrigation time. In the past we have had to remove fish before they fully matured because of the water being lower, warmer and moving slower.

please inform us about any matters pertaining to this protest.

Sincerely,

Patsy Dunn

Patsy Dunn, Secretary
Riverside Ranches, Inc.

P. S. We also believe these filings would destroy the aesthetic beauty that is already there naturally. Even though water was put back into the creek a major change would take place because of the use of 6.5 CFS, 12CFS, 24 CFS and 20 CFS. One of these would be too much.

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

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AUG 0 1988

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DEC 10 1987
Department of Water Resources
Southern Region Office

Hagerman, Idaho
December 10, 1987

Dear Sirs:

I, Dale Boyer, do respectfully protest Buckeye Farms, Inc. application for water permits as follows:

No. 36-8335
No. 36-7740
No. 36-7742

The grounds for protesting these applications are for each; there is not sufficient water to grant these permits and still fill licensed water holdings on the lower Billingsley Creek.

Dale E Boyer

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AUG 0 1 1988

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DEC 9 1987
Department of Water Resources
Southern Region Office

December 9, 1987

Loren O. Holmes
Southern Region Manager
Idaho Dept. of Water Resources
2148 4th Ave. East
Twin Falls, ID 83301

Re: Amended Applications 36-7740, 36-7741, 36-7742, 36-8335

Dear Mr. Holmes:

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

The water in the Billingsly is already subscribed, therefore there is insufficient water. These filings also conflict with the 1932 Billingsly Decree.

Sincerely,

Edward C. Shokal

Edward C. Shokal
Ruth C. Shokal

Ruth C. Shokal

Rt. 1, Box 410
Hagerman, ID 83332

MICROFILMED
Aug 01 1988

ROCK LODGE MOTEL
& CREEKSIDE CAMPGROUND

Route 1 ★ HAGERMAN VALLEY, IDAHO 83332 ★ Phone 208-837-4822

December 7, 1987

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DEC 8 1987
Department of Water Resources
Southern Region Office

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

Dear Sirs:

re Filings # 36-7742-36-8335--36-7740

I would like to lodge a protest to the above filings on the basis that they would impact my motel, r. v. park to such an extent that my business would be severely hurt.

Sincerely,

H. L. "Burt" Holmes, owner

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AUG 01 1988

"Where the Fish are Always Biting"

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DEC 7 1987
Department of Water Resources
Southern Region Office

Hc 66 Box 1255
Bliss Idaho
Dec. 4, 1987

Dept. of Water Resources
2,148 4th Ave. East
Twin Falls, Idaho

Dear Sir:

We wish to protest water
filings numbers: 36-8335
36-7740
36-7741
36-7742.

There are already too many filings for the water rights on Billingsley Creek. We desire to keep plenty of water flowing through Billingsley Creek to keep it a live stream.

We are already short of water for our fish facilities on Billingsley Creek.

Yours truly,
Myrle Eckles
Colum J Eckles
Riverside Ranches Inc

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AUG 01 1988

37774S Walker's
37774Z Billingsly

I protest these applications on this water rights - My water rights might be damaged also we need know more fish ponds on it.

Mrs. Stanley Hoskovec
Rt-1 Box 50
Hagerman, Idd. 83332

RECEIVED
DEC 7 1987
Department of Water Resources
Southern Region Office

MICROFILMED
AUG 01 1988

Dear Sir; Dec 5, 1987

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 Billingsly Creek filing nos. 36-8335, 36-7740, 36-7741, 36-7742. Billingsly Creek is already overfiled. Public interest for some form of minimum flow is also one of the reasons I protest. If adjudication of Snake River water is fully done most of the water that the Buckeye ranch is now using

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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

MICROFILMED
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

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

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

OUR FILE NUMBER

RECEIVED
JAN 22 1988
Department of Water Resources

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DEC 7 1987
Department of Water Resources
Southern Region Office

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

MICROFILMED
AUG 01 1988

WLN:cj

Enclosures

COPY

HEPWORTH, NUNGESTER & FELTON
Bank & Trust Building
Post Office Box 389
Twin Falls, Idaho 83301
Tel. No. 208-734-7510
Attorneys for Plaintiffs

Paper No. .....
Case No. .....
Filed Jan 22 19 79
..... Clerk
By ..... Deputy

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

* * * * * * * * *

JOHN W. JONES, JR., and DELORIS D. JONES, husband and wife; and W. A. SANDY and FLORENCE M. SANDY, husband and wife, dba, JONES AND SANDY LIVESTOCK,

Plaintiffs,

vs.

RESERVOIR LAND COMPANY, INC., an Idaho corporation; KNAKE EYE LAND & CATTLE CO. and VIEJO MANAGEMENT CO.; dba BUCKEYE LAND CO.; BUCKEYE LAND CO.; CLIFFORD PETERSON; OMER E. LORANGER and BEVERLY B. LORANGER, husband and wife; WALLACE W. BATES and LOLEITA V. BATES, husband and wife; RICHARD P. SAUER and LUCILLE B. SAUER, husband and wife; SHELDON G. CARLETON and BARBARA S. CARLETON, husband and wife; EDNA M. (BELL) REA; STANELY J. HOSKOVEC and BETTY HOSKOVEC, husband and wife; ALFRED H. COLE and PHYLLIS A. COLE, husband and wife; ELLIS & WEIR, INC., a domestic corporation; HAROLD V. WOLINE and LOIS C. WOLINE, husband and wife; FRED STURTEVANT and JOYCE E. STURTEVANT, husband and wife; and DOES I THROUGH V,

Defendants.

* * * * * * * * *

RECEIVED JAN 25 1979

Case No. 16676

STIPULATION OF FACTS

RECEIVED
DEC 7 1987
Department of Water Resources
Southern Region Office

STIPULATION OF FACTS -1-

LAW OFFICES
HEPWORTH
NUNGESTER
And
FELTON
Twin Falls
Idaho

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AUG 01 1988

COMES NOW the parties through their attorneys of record and stipulate as follows:

WHEREAS, the Bar S ditch carrying water from Weatherby Springs across Billingsly Creek consists of an open ditch and a series of metal pipes;

WHEREAS, on or about 1960 or 1961, a steel pipe with an outside diameter of 24 inches was welded near the mouth or inlet portion of the pipe or siphon crossing Billingsly Creek;

WHEREAS, at all times since 1960 or 1961, to the present date, this pipe or siphon has been restricted at its inlet by a section or sections of metal pipe having an outside diameter of 24 inches;

WHEREAS, the maximum flow discharge for said original pipe or siphon at all times since 1960 or 1961 has been 325 miners inches of water; and,

WHEREAS four other reputed or alleged diverters of water from the Bar S ditch downstream from said crossing at Billingsly Creek have been discovered, who have not been named in the above-entitled proceeding and who, therefore, cannot be bound by any judgment, decree, adjudication or stipulation entered in the above-entitled proceeding;

All parties, by and through their attorneys of record, agree and stipulate:

1. (a) that plaintiffs shall continuously, and on a year round basis, allow 325 miners inches of water from Weatherby Springs to be delivered into the Bar S ditch from the outlet of its fish hatchery operation upon the express condition

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AUG 01 1988

LAW OFFICES
HEPWORTH
HUNGESTER
And
FELTON

precedent that defendant Buckeye Land Company enclose on or before January 1, 1980, the existing open Bar S ditch with a suitable enclosed pipeline along the entire reach of said Bar S ditch located on the property presently owned by plaintiffs downstream from plaintiffs fish hatchery operation; or in the alternative,

(b) in the event said open ditch is not enclosed as set out in subparagraph (a) immediately above, that plaintiffs shall continuously allow 325 miners inches of water from Weatherby Springs to be delivered into the Bar S ditch from the outlet of its fish hatchery operation from March 1 until November 1 of each year, and plaintiffs shall continuously allow 200 miners inches of water from Weatherby Springs to be delivered into the Bar S ditch from the outlet of its fish hatchery operation from November 1 until March 1 of each year.

2. that the trial date scheduled for this matter be vacated to allow these individuals to be named so as to provide for a full adjudication of the water rights of all individuals diverting water along said stream;

3. that all other issues of law and fact not stipulated by the parties herein are reserved until the time of trial.

DATED this 18TH day of January, 1979.

HEPWORTH, NUNGESTER & FELTON

By _____
John C. Hepworth, for Plaintiffs

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LAW OFFICES
HEPWORTH
NUNGESTER
And
FELTON

PARRY, ROBERTSON, DALY & LARSON

AND

BENOIT AND ALEXANDER

By _____
Bob Alexander for Defendants Buckeye Land Company and Reservoir Land Company

CHURCH, CHURCH, & SNOW

By _____
For Defendants Ellis & Weir, Inc.

JAMES HOBDEY & VARIN

By _____
For Defendants Clifford Peterson; Omer E. Loranger and Beverly B. Loranger; Wallace W. Bates; Richard P. Sauer and Lucille B. Sauer; Sheldon G. Carleton and Barbara S. Carleton; Edna M. Rea; Stanely J. Hoskovec and Betty Hoskovec; and Alfred H. Cole.

O R D E R

IT IS SO ORDERED.

1-22-79

/s/ Douglas D. Kramer
District Judge

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AUG 01 1988

LAW OFFICES
HEPWORTH
HUNGESTER
And
FELTON

RECEIVED 2 7 1979

COPY

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

JOHN W. JONES, JR., and DELORIS D. JONES, et al

Plaintiffs,

vs.

RESERVOIR LAND COMPANY, INC., et al,

Defendants.

CASE NO. 16676

MEMORANDUM OPINION

RECEIVED
DEC 7 1987
Department of Water Resources
Southern Region Office

The matter before the court is defendants' motion to amend the order of this Court dated January 22, 1979 incorporating a stipulation by all parties concerning their respective water rights in Weatherby Springs. The defendants' contend that their attorneys signed the stipulation under the mistaken impression that it called for 325 miner's inches of water to be delivered throug the Billingsley Creek Siphon. In fact, the stipulation states that the water is to be delivered into the Bar S Ditch from the outlet of plaintiffs' fish hatchery operation. Though some comment was made at oral argument and in defendants' brief as to counsels' lack of authority to make the stipulation as worded, there is nothing in the affidavits filed with the Court to support that proposition. If there was a mistake in the formation of the stipulation it was unilateral, not mutual. Typically, a mutual mistake is required to make a contract voidable. Restatement, Contracts § 503. The stipulation explicitly deals with the problem of water loss in the Bar S Ditch. If the defendants place a suitable enclosed pipe line along the ditch by January 1, 1980 they are entitled to 325 miner's inches year round. If not, they are entitled to merely 200 inches from November 1 to March 1 of each year. The stipulation underscores the fact that the parties were well aware of the excessive water loss problem in the Bar S ditch at the time it was signed. It is well recognized in Idaho that only a reasonable loss in transport is allowed to the holder of a water right. Glenn Dale Ranches Inc. v. Shaub 94 Idaho 585, 494 P.2d 1029 (1972). The Court cannot believe that the dispute now before it centers around an amount of water whic would constitute a reasonable loss. It must involve water substantia in excess of that amount. If so, the defendants are not entitled to the water under the Glenn Dale Ranches case. Accordingly, the Court sees no reason to excercise its discretion in favor of the defendants The motion to alter or amend is denied. There appears no reason to order specific performance of the stipulation at this time.

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However, the Court will not hesitate to enforce its order should it be necessary to do so. No attorney's fees will be allowed.

Dated this 24 day of April, 1979.

Douglas D. Kramer
District Judge

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AUG 01 1988

Hagerman Valley Citizens Alert Inc.

Box 32

Hagerman, Idaho 83332

RECEIVED

DEC 7 1987

Department of Water Resources
Southern Region Office

December 3, 1987

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

Re: Application #36-7740
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

MICROFILMED

AUG 0 1 1988

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DEC 4 1987
Department of Water Resources
Southern Region Office

Dec. 2, 1987

R. M. STROM
931 E JUSTICE GRADE
HAGERMAN, ID 83332

Director, Dept. of Water Resources
Southern Region
2148 Fourth Ave. East
Twin Falls, Idaho, 83301

Dear Sir:

Re: Application for
Permit # 36-7740

As a home owner residing at 931 E Justice Grade along the bank of Billingsley Creek, I protest this application.

Billingsley Creek is already being used to it's fullest and if additional spring water at Weatherby Springs is diverted from it's normal flow into Billingsley Creek that will mean just that much less for aesthetics and fish and wildlife habitat here on the lower reaches. 6.5 CFS water does not sound like much, but here a little, there a little, soon it is all gone.

Yours truly,

Robert M. Strom

Robert M. Strom

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AUG 01 1988

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DEC 4 1987
Department of Water Resources
Southern Region Office

TroutCo
Box 326
Hagerman, Idaho
83332

December 3, I987

Loren O. Holmes, P.E.
Southern Region Manager
Idaho Department of Water Resources
2I48 4th Ave. East
Twin Falls, Idaho 8330I

Ref: Buckeye Farms, Inc. water permit filings
No. 36-7740; No. 36-8335: No. 36-7742; No. 36-7739

Dear Mr. Holmes,

We are formally protesting Buckeye Farms, Inc.'s Applications for water permit numbers 36-7740, 36-8335, 36-7742, [redacted] L.L.

As owners of TroutCo Inc. we have the water right with water permit numbers 36-7834 and 36-8058 for a total combined flow of 200 cfs.

It is questionable whether there is enough water in Billingsley Creek to meet our permitted flow even during high water flows during the winter months. It is obvious that Billingsley Creek has already been over appropriated and that no additional water uses which will reduce creek flows can be permitted without adversely effecting down stream permit holders.

Sincerely,

W.A. Sandy
Pres. TroutCo

John A. Sandy
Sec/Trea TroutCo

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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 18, 1987

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

Re: Amended Applications 36-7740, 36-7741, 36-7742
Application 36-8335

Dear Mr. Burke:

Due to an error by the Gooding County Leader, the legals for the above named amended applications and application will not appear in that paper as scheduled.

They should appear in the Gooding County Leader on 11/25 & 12/2/87 and will appear statewide as previously scheduled the weeks of 11/19 & 11/26/87.

Please accept our apologies for any inconvenience this error may have caused you. The last day for receiving protests has been extended to December 14, 1987.

If you have any questions or if this office can be of further assistance,

please feel free to contact us.

Very truly yours,

Loren O. Holmes
Southern Region Manager

LH:MB
cc: John Rosholt, Atty

MICROFILMED
AUG 01 1988

INTER-DEPARTMENT MEMO — 1

FROM Mary Baldwin, Secretary

DATE November 18, 1987

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.

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AUG 01 1988

Mary Baldwin
SIGNATURE

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE 734-9520

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

RECEIVED
NOV 12 1987
Department of Water Resources
Southern Region Office

November 10, 1987

Loren O. Holmes
Southern Region Manager
Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Re: Application for Water Permit No. 36-8335 (Buckeye Farms)
Amended Application No. 36-7740, 36-7741, and 36-7742

Dear Mr. Holmes:

We have reviewed the above subject applications for water permits and submit the following comments:

1) The applications propose to utilize waters for the major purpose of fish propogation that will have an adverse impact on water quality.

2) Over 40 new fish ponds are proposed for use in the referenced applications.

3) The fish propogation facilities must comply with EPA NPDES discharge requirements.

4) Due to the large number of proposed ponds, a best management practices plan must be developed and approved by EPA and our agency. Consideration of operating, maintenance, and monitoring shall be included in the plan.

We also have some concerns in terms of water quality impacts due to reduced flows on Billingsley Creek, Riley Creek, and Weatherby Springs resulting from the diversions.

Should any questions arise, please contact me.

Sincerely,

Michael J. McMasters

MICROFILMED
AUG 01 1988

Michael J. McMasters
Source Control Field Officer

MJM/ta

e of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

November 3, 1987

O.S. & Ethel Smith
Star Route
Bliss, ID 83314

Re: 36-7740, 36-7742

Dear Mr. & Mrs. Smith:

In 1977, the Department received protests from you against applications 36-7740 and 36-7742 in which Buckeye Land Co. proposed to appropriate water for fish propagation purposes.

You were notified of hearings to be held in the matter in February, 1978 but you did not appear at the hearings.

A final resolution of the matter was never made, and the proposals have remained in the application stage until the present.

Recently, the applications were assigned to a new owner, Buckeye Ranch, Inc., who has amended them.

Copies of the Amended Applications are enclosed for your information.

If you wish to continue your protest against approval of the Amended applications, you must give notice to this office by November 23, 1987. Failure to give notice will result in your protest being set aside and no longer considered.

If you have any questions, or if we can be of any assistance, please let me know.

Very truly yours,

MICROFILMED
AUG 01 1988

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb

Enclosure

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

Thousand Springs Trout Co.
Box 232
Buhl, ID 83316

Re: 36-7740, 36-7742

Gentlemen:

In 1977, the Department received protests from you against applications 36-7740 and 36-7742 in which Buckeye Land Co. proposed to appropriate water for fish propagation purposes.

Hearings in the matter were held in February, 1978. However, a final resolution of the matter has never been completed, and the proposal has remained in the application stage until the present.

Recently, the applications were assigned to a new owner, Buckeye Ranch, Inc., who has amended them.

Copies of the Amended Applications are enclosed for your information.

The Department will continue to consider your protest against the Amended applications and we will notify you when further hearings are scheduled following the advertising and protest period which will end December 7, 1987.

If you no longer have concerns about what is proposed by the Amended applications and wish to withdraw your protest, please let us know.

Very truly yours,

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AUG 01 1988

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb
Enclosure

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,

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AUG 01 1988

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb

Enclosure

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

November 3, 1987

Jones & Sandy
Box 326
Hagerman, ID 83332

Re: 36-7740

Gentlemen:

In 1977, the Department received protests from you against application 36-7740 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 application was assigned to a new owner, Buckeye Ranch, Inc., who has amended it.

A copy of the Amended Application is enclosed for your information.

The Department will continue to consider your protest against the Amended application 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 application and wish to withdraw your protest, please let us know.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:mb
Enclosure

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

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.

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Loren O. Holmes, P.E.
Southern Region Manager

LH:mb
Enclosures

MICROFILMED
AUG 0 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

October 23, 1987

Gooding County Leader
Box 56
Gooding, ID 83330

Re: Amended Applications for Permit 36-7740, 36-7741, 36-7742

Gentlemen:

Enclosed you will find legal notices which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us galley proofs for review before publication.

After sending us galley proofs, proceed with the publication on the dates we have inserted, assuming the notices are correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notices on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

MICROFILMED
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:

36-7740

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

SOURCE: Weatherby Springs trib. to Billingsley Creek

Diversion Pt: NE1/4SW1/4, Sec. 30, T7S, R14E, Gooding County;3 miles South of Hagerman.

Use:		
	Fish Propagation	(6.5 CFS)
	Recreation	(6.5 CFS)
	Aesthetics	(6.5 CFS)
	Fish & Wildlife Habitat	(6.5 CFS)

Total Quantity to be Appropriated (6.5 cfs)

Original Filing Date: August 1, 1977

Date Amended: September 24, 1987

In: NE1/4SW1/4, S1/2SW1/4, Sec. 26; S1/2SW1/4, S1/2SE1/4, Sec. 27; S1/2NE1/4, N1/2SE1/4, SE1/4SE1/4, Sec. 33; N1/2NE1/4, SW1/4 NE1/4, S1/2NW1/4, W1/2SW1/4, Sec. 34; N1/2NE1/4, SW1/4NE1/4, W1/2 NW1/4, SE1/4NW1/4, Sec. 35, T7S, R13E.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 Fourth Avenue East., Twin Falls, Idaho 83301 on or before ~~November 23, 1987~~. 12/14/87

R. Keith Higginson, Director

MICROFILMED
AUG 01 1988

Published 11/25 & 12/2/87

To run 11/18 & 11/25/87
correction called
Linda - Gooding Co. Leader
11/5/87
MB

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:

36-7740

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

SOURCE: Weatherby Springs trib. to Billingsley Creek

Diversion Pt: NE1/4SW1/4, Sec. 30, T7S, R14E, Gooding County; 3 miles South of Hagerman.

USE:		
	Fish Propagation	(6.5 CFS)
	Recreation	(6.5 CFS)
	Aesthetics	(6.5 CFS)
	Fish & Wildlife Habitat	(6.5 CFS)

Total Quantity to be Appropriated (6.5 cfs)

Original Filing Date: August 1, 1977

Date Amended: September 24, 1987

In: NE1/4SW1/4, S1/2SW1/4, Sec. 26; S1/2SW1/4, S1/2SE1/4, Sec. 27; S1/2NE1/4, N1/2SE1/4, SE1/4SE1/4, Sec. 33; N1/2NE1/4, SW1/4NE1/4, S1/2NW1/4, W1/2SW1/4, Sec. 34; N1/2NE1/4, SW1/4NE1/4, W1/2NW1/4, SE1/4NW1/4, Sec. 35, T7S, R13E.

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

-s-R. Keith Higginson, Director

372365 - G11-11-2tc

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NOV 5 1987
Department of Water Resources
Southern Region Office

Gooding Co. Leader

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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

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 FISH AND GAME

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

STATEMENT OF IDAHO FISH AND GAME DEPT.

Re: Protest Against Approval of Application for Permits No.'s: 36-7742, 36-7739 and 36-7740 - Billingsley Creek Water Diversions

The Idaho Department of Fish and Game protests the granting of application nos: 36-7742, 36-7739 and 36-7740 for water diversions on Billingsley Creek based upon the following considerations.

The flow reduction of 30 c.f.s. (Curran and Weatherby) in upper Billingsley Creek and 12 c.f.s. in lower Billingsley combined would have a detrimental impact on the fisheries and wildlife resources of the stream. If these are approved, combined with other proposed applications for water to be considered by the Department of Water Resources, the impact on fish and wildlife resources in Billingsley Creek would be devastating. Fish production and eventually the total population could be entirely eliminated in the stream. A complete loss of valuable waterfowl, shorebird and furbearer habitat could also result.

Although these public benefits by law, are not now considered in decisions by the Department of Water Resources it would appear some change in direction must be taken soon before all of our spring waters are diverted and irreplaceable resources are lost forever.

MICROFILMED
AUG 01 1988

te 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

MICROFILMED
AUG 01 1988

MEMORANDUM

RECEIVED
OCT 15 1987
Department of Water Resources
Southern Region Office

TO: Loren

FROM: Jim

DATE: October 13, 1987

RE: Assignments of Applications

Attached are three assignments for which the original files are in your office.

Therefore, I assume you will want to prepare the acknowledgement letter and the data entry. I have made copies of the assignments and put them in our protest files.

If you have any questions, please let me know.

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

RECEIVED
OCT 8 1987
Department of Water Resources
Southern Region Office

DATE: October 7, 1987

TO: Loren Holmes
IDWR

RE: Buckeye Farms, Inc.
Amended Applications for Permit

Mr. Holmes:

Per your telephone call of today, please find enclosed a check in the amount of $60.00 to cover the cost of the filing fee for the three Amended Applications for Permit of Buckeye Farms, Inc.

If you have any further questions, please advise.

MICROFILMED
AUG 01 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

BY DORRAINE BURT, Secretary to John Rosholt

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. 36-7740 - Buckeye Land Co.
			✓ Source
			✓ Point of Diversion
			✓ County
			✓ Quantity of Water and Period of Use
			✓ Description of Diverting Works
			✓ Time required for B/U of water
			✓ Place of Use or Acres Irrigated
			✓ Map
			✓ Signature
			✓ Fee
(1)	ADM	8-5-77	In form to receipt
(2)	"	"	Send Copies to:
			___ Idaho State Health Department
			✓ Idaho Fish and Game Department
			___ Bureau of Land Management
(3)	ADM	8-5-77	___
			___ Request Special Use Permit from U.S.F.S.
			___ Request Easement from B.L.M.
			✓ Request Information from Applicant
(4)	gs	8-15-77	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)	~~sm~~	9/8/77	Affidavit of Publication received (date) 9/6/77
(12)	~~sm~~	8/25/77	Final date for protests 9/12/77
			Protests received: yes ~~✓~~ 8/24/77 no ___ Removed 2-24-78
(13)			All requested information received from agencies or applicant: yes___ no___
(14)	~~MLS~~	3-10-78	Action recommended:
			✓ Approve ___ Deny
			___ Proposed Priority
			___ Reason for Reduction___
			✓ Measuring device required
			___ See attached sheet for other conditions of approval
			Inlet & Outlet
			___ No special conditions for approval
(15)	District Southern		By Michael Steele Date 3-10-78

RECEIVED
MAR 13 1978
Department of Water Resources

copy to Boise 9-8-77 gs

INTER-DEPARTMENT MEMO — 1

FROM Glen Saxton

DATE

TO Mike Steele

SUBJECT Withdrawal of protests on 36-7740 & 36-7742

- There is nothing in these files to indicate that protestants have withdrawn their protests.

- Please advise me or provide information to the file in the form of a memo etc.

GS

SIGNATURE

PARRY, ROBERTSON, DALY & LARSON
LAWYERS

R. P. PARRY
BERT LARSON
C. G. McINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE
J. EVAN ROBERTSON
THOMAS G. WALKER, JR.
JAMES C. TUCKER

THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 733-3722

T. M. ROBERTSON (1911-1977)
JOHN H. DALY (1913-1968)

February 24, 1978

RECEIVED
FEB 27 1978
Department of Water Resources
Southern District Office

Mr. Mike Steele
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Re: Application No. 36-7740

Dear Mike:

Our agreement with Bob Weaver for Thousand Springs Trout is that their protest would be withdrawn to the above referenced permit upon the inclusion of the following language in the permit:

> "Applicant acknowledges the protestant Thousand Springs Trout Company's right to hereafter contest beneficial uses through the Bar S Ditch by applicant in the non-irrigation season.

As I understand, Mr. Brent Martens would consent to the withdrawal of the protest of Jones-Sandy Livestock by the inclusion of the following language:

> "Applicant acknowledges that protestant Jones-Sandy Livestock may hereafter contest beneficial uses of water from Weatherby Springs diverted through the Bar S Ditch for use on the Bar S Ranch or elsewhere by the Buckeye Land Company."

On behalf of the applicant, you are authorized to include the above stipulations in the issued permit.

If either Mr. Weaver or Mr. Martens have objections to this language, I presume that they would be in contact with you on or before March 1, 1978.

Thanks for your consideration.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT

MICROFILMED
AUG 01 1988

JAR:bg
cc: Bob Weaver
Mike Fennen
Brent Martens
Bill Jones
Donnie McFadden

BUCKEYE APPLICATIONS

SUMMARY OF PROTESTANT STATUS

PROTESTANT	36-7740 (Hrg 2/23/78-10:00am)		36-7741 (Hrg 2/23/78-1:00pm)		36-7742 (Hrg 2/22/78-1:00pm)	
	Protest	Present @Hrg	Protest	Present @Hrg	Protest	Present @Hrg
R.W. Stevens	X	No	X	No		
Mr/Mrs. O.S. Smith	X	No			X	No
Fish & Game			X	Yes	X	Yes
Thousand Sprs Trout	X	Yes			X	Yes
Jones & Sandy	X	Yes				
John LeMoyne			X*	Yes		

*Protest Withdrawn

RECEIVED
AUG 01 1978

36-7740 - Buckeye Land Company

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

Thursday, February 23, 1978, 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Betty B. Hoskovec	RT-1 Box 58 Hagerman	
Edna M. Bell (Rea)	Box 543 Wendell	
Donnie McFadden	Hagerman	applicant
John A. Rosholt	P.O. 525 Twin Falls	Applicant
Vern Mavencamp	Hagerman	applicant
Leo Lemmon	"	Water Master
John W Jones Jr. (Bill)	Hagerman	
D. Brent Martens	Buhl	Jones & Sandy Corporation
Charles E Potter	Hagerman	C E Potter
Mark E Bell	Hagerman	Mark E Bell
Michael Sawyer	Buhl	Thousand Springs Trout Farms

MICROFILMED
AUG 01 1988

Re: Buckeye Land Co. protests (36-7739, 40, 41, & 42)

Name and Address of Sender

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

Indicate type of mail:
☐ REGISTERED ☐ REGISTERED C.O.D.
☑ CERTIFIED

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

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	656	Donnie Mc Fadden (all files) Hagerman	.24	.60					
2	657	Paul E. Watkins (36-7739) "	.13	"					
3	658	R. H. Stevens (36-7739, 40 & 41) "	"	"					
4	659	Edward C. Shokal (36-7739) "	"	"					
5	660	Mr. & Mrs. O. S. Smith (36-7739, 40 & 42) Bliss	"	"					
6	661	William Webb (H. G.) (36-7739, 41 & 42) Jerome	"	"					
7	662	Dale Beyer (36-7739) Hagerman	"	"					
8	663	Richard Cook (36-7739) "	"	"					
9	664	Mike T. Fenton, 1000 Spr. Ir. Farms (36-7740 & 42) Buhl	"	"					
10	665	D. Brent Martens for Jones & Sandy (36-7740) "	"	"					
11	666	John R. LeMoyne (36-7741) Hagerman	"	"					
12	~~667~~								
13									
14									
15									
16									
17									
18									
19									
20									

RECEIVED
AUG 01 1988

TOTAL NO. OF PIECES LISTED BY SENDER: 11
TOTAL NO. OF PIECES REC'D AT P.O.:
POSTMASTER, PER (Name of receiving employee):
*Show under "Remarks" class postage paid if other than first or [illegible] international

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

☆ U. S. GOVERNMENT PRINTING OFFICE: 1974-0-529-724

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval of Application for Permit No. 36-7740 in The Name of Buckeye Land Company.	NOTICE OF CONFERENCE AND/OR HEARING

On August 1, 1977, Buckeye Land Company, a partnership, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department received protests against approval of said application.

The Department has set the matter of protest for conference and/or hearing for Thursday, February 23, 1978, at 10:00 a.m., in the Southern Region Office, Department of Water Resources. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this twenty-sixth day of January, 1978.

Michael L. Steele

Michael L. Steele
Southern Region Supervisor

MICROFILMED
AUG 01 1988

October 6, 1977

Mr. D. Brent Martens
Hepworth, Nungester, and Felton
P. O. Box 589
Buhl, ID 83316

Re: Application for Permit No. 36-7740 - Buckeye Land Company

Dear Mr. Martens:

Enclosed please find a copy of the above-referenced Application for a Permit, which you requested in your letter dated October 4, 1977.

The cost of these copies is $.25 each for a total of $1.00. Please submit payment to this office at your earliest convenience.

If we can be of further assistance to you, please feel free to contact us.

Sincerely,

Sheryl Munsee
Secretary

Enclosures

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

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AUG 01 1988

LAW OFFICES

HEPWORTH, NUNGESTER, AND FELTON

PROFESSIONAL CENTER — 1020 MAIN

POST OFFICE BOX 569

BUHL, IDAHO 83316

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
D. BRENT MARTENS

TELEPHONE
(208) 543-4368

October 4, 1977

RECEIVED
OCT 5 1977
Department of Water Resources
Southern District Office

OUR FILE NUMBER

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

RE: Buckeye Land Company Application For
Water Permit No. 36-7740

Gentlemen:

Our office, on behalf of Jones & Sandy, a partnership, has filed a protest to the above noted application for water permit. Would you please send to us a copy of that application along with your statement for copying the same.

Sincerely yours,

HEPWORTH, NUNGESTER & FELTON

D. Brent Martens

D. Brent Martens

DBM:lb

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,

MICROFILMED
AUG 01 1988

Michael L. Steele
Southern Region Supervisor

MLS:sm

Enclosures

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 Burbage Land Co., Hagerman, Idaho, listed below:

# 36-7739	12 CFS	BILLINGSLEY CREEK
# 36-7745	10 CFS	WEATHERBY 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

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SEP 6 1977
Department of Water Resources
Southern District Office

September 6, 1977

Mr. Michael L. Steele, Supervisor
Idaho Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, ID 83301

Dear Mr. Steele:

This letter is in protest of Applications for a Permit Nos. 36-7739, 36-7740 and 36-7742 in the name of Buckeye Land Company, to appropriate water from the Billingsley Creek for fish propagation.

Presently the waters of Billingsley Creek are not adequately measured and administered and any additional filing will jeopardize existing rights on the lower end of Billingsley Creek.

Sincerely,

Mr. & Mrs. O. S. Smith
Star Route
Bliss, ID 83314

Ethel C Smith
O. S. Smith

MICROFILMED
AUG 01 1988

THOUSAND SPRINGS TROUT FARMS, INC.

Phone / Area Code 208 / 543-4311

Box 232 / Buhl, Idaho 83316

ROCKY MOUNTAIN RAINBOW TROUT

Mr. Michael L. Steele
Idaho Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301

August 30, 1977

RE: Application for Permits # 36-7742 and 36-7740
Buckeye Land Company
Hagerman, ID 83332

Dear Mr. Steele,

This letter is in protest to the granting of the above applications to appropriate a total of 30 c.f.s. from Billingsley Creek and one of its tributaries.

Application # 36-7742, SW¼, NE¼, Sec. 31, Twp. 75, Rge. 14E B.M. appears to be for the diversion of Billingsley Creek water (20 c.f.s.) that will pass down the Curran ditch to a proposed fish propagation site on the Buckeye Ranch. This proposed diversion appears to be for a consumptive use since it will not be returned to Billingsley creek above our Idaho Springs Trout Farm.

Application # 36-7740, NE¼, SW¼, Sec. 30, Twp. 75, Rge. 14E B.M. appears to be a filing for 10 c.f.s. out of the Weatherby Spring, a tributary to Billingsley creek, again above our Idaho Springs hatchery.

We believe a prior water filing will show that the Jones & Sandy Livestock Company's hatchery has a diversion for the Weatherby spring for the propagation of trout.

Thousand Springs Trout Farms, Inc., the owner and operator of Idaho Springs trout hatchery in Hagerman has an existing permit to divert water from Billingsley creek for the propagation of trout. Records at the Department of Water Resources, Boise office, will show that our permit # 32600 is for diverting 100 c.f.s. and claim # 364011 is for diverting an additional 50 c.f.s.

We are proven non-consumptive and beneficial users. Our water measurements show at our point of diversion that Billingsley creek is lowest during

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AUG 01 1988

with production facilities at

SNAKE RIVER TROUT FARM, Buhl
IDAHO SPRINGS TROUT FARM, Hagerman
PAPOOSE SPRINGS TROUT FARM, Pocatello
INDIAN SPRINGS TROUT FARM, Blackfoot
MAGIC VALLEY FEED COMPANY, Wendell

COMMERCIAL RAINBOW TROUT FOR SELECTIVE TRADE

August 30, 1977

May, June and July (± 48 c.f.s.). If any more water is consumptively diverted above our hatchery, we will be virtually out of water and the production of trout.

It is our opinion that the quality and quantity of Billingsley creek water at our point of diversion is continually becoming poorer. The unchecked number of irrigation wells north and east of Hagerman coupled with the present drought could be disasterous to the waters of Billingsley creek. Further diversions out of Billingsley creek will only decrease the asthetic value and seriously reduce the amount of water already alloted to prior water filings.

Sincerely,

THOUSAND SPRINGS TROUT FARMS, INC.

Mike Fennen

Mike G. Fennen
Farm Production Manager

MGF/cn

MICROFILMED
AUG 01 1988

RECEIVED
SEP 6 1977
Department of Water Resources
Southern District Office

R S

R BAR S RANCH

R. W. STEVENS
ROUTE ONE 208/837-4954
HAGERMAN, IDAHO 83332

R S

Sept. 3, 1977

RE: application # 36-7740

Department of Water Resources
Southern District

Gentlemen:

I wish to protest application # 36-7740 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

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AUG 01 1988

RECEIVED
AUG 30 1977
Idaho Department of Water Resources
Southern Idaho District Office

LAW OFFICES
HEPWORTH, NUNGESTER, AND FELTON
PROFESSIONAL CENTER — 1020 MAIN
POST OFFICE BOX 569
BUHL, IDAHO 83316

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
D. BRENT MARTENS

TELEPHONE
(208) 543-4368

August 30, 1977

OUR FILE NUMBER

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

RE: Application No. 36-7740

Gentlemen:

Enclosed is a Protest which we are filing on behalf of our clients, Jones & Sandy, to the above-captioned Application for a permit to appropriate water filed by Buckeye Land Company.

Sincerely yours,

HEPWORTH, NUNGESTER & FELTON

D. Brent Martens, of

D. Brent Martens

lb

Enclosure

MICROFILMED
AUG 01 1988

HEPWORTH, NUNGESTER & FELTON
1020 Main, Buhl, Idaho 83316
Tel. No. 208-543-4368
Attorneys for Protestant

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

* * * * * * * * * * *

In the Matter of the Application No. 36-7740 of Buckeye Land Company.) PROTEST

* * * * * * * * * * *

Jones & Sandy, a partnership, doing business in Hagerman Valley, Gooding County, Idaho, protest the application of Buckeye Land Company, being Application No. 36-7740, for a permit to appropriate ten (10) c.f.s. of water at a point of diversion described below commonly known as Weatherby Springs:

> The Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$) Section Thirty (30), Township 7 South, Range 14 E., B.M., Gooding County, Idaho,

to be used from January 1 to December 31 for fish propagation within the following:

> The Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$) Section Thirty-four (34); the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) of Section Thirty-three (33), Township 7 South, Range 13 E., B.M.

This application is protested on the grounds that the

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AUG 01 1988

LAW OFFICES
HEPWORTH
NUNGESTER
And
FELTON
Buhl, Idaho

water sought to be diverted by applicant is subject to the prior appropriation and use by protestant and will therefore interfere with those established rights.

Protestant requests that all notices pursuant to this permit be sent by the Department of Water Resources to protestant's attorneys, to-wit, Hepworth, Nungester & Felton, 1020 Main, Buhl, Idaho 83316.

DATED this 30th day of August, 1977.

HEPWORTH, NUNGESTER & FELTON

By D. Brent Martens
D. Brent Martens, of the firm

MICROFILMED
AUG 01 1988

LAW OFFICES
HEPWORTH
NUNGESTER
And
FELTON
Buhl, Idaho

August 17, 1977

Gooding County Leader
Box 56
Gooding, Idaho 83330

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

RECEIVED
AUG 01 1988

Bill submitted: _____

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Buckeye Land Co.

Hagerman, Idaho 83332

has on 8/1/77 submitted Application No. 36-7740

for a permit to appropriate 10 cubic feet per second acre feet per annum

of water from Weatherby Springs

by means of existing diversion ditches

within the NE¼SW¼, Sec. 30, Twp. 7S, Rge. 14E, B.M. Gooding County

to be used from Jan. 1 to Dec. 31 for Fish Propagation

for

within the SW¼NW¼, Sec. 34, SE¼NE¼, Sec. 33, Twp. 7S, Rge. 13E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before September 12, 1977.

C. Stephen Allred

Director

Published in the Gooding County Leader

on 8/25 and 9/1/77

MICROFILMED

AUG 01 1988

August 15, 1977

Mr. Bill Webb
Idaho Fish & Game Department
P. O. Box 428
Jerome, Idaho 83338

Application for Permit No. 36-7739 - Buckeye Land Co.
36-7740 - Buckeye Land Co.
36-7741 - Buckeye Land Co.
36-7742 - Buckeye Land Co.

Dear Mr. Webb:

Enclosed are the copies of the above referenced applications for permit which may be of interest to your agency. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter.

If you have questions regarding the applications, please contact this office.

Sincerely,

James E. Stanton
Water Resource Agent

JES/dj

MICROFILMED
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 reguarding the legal description of the place of use. Mr. McFadden said that the area inwhich the ponds are proposed to be constructed is located directly south of the ranch and the ponds will be no more than ¼ mile in length and 100' in width. The area south of the ranch is described as the SW¼ NW¼ of Sec. 34 & SE¼ NE¼ of Sec. 33, T. 7S., R. 13 E., B.M.

MICROFILMED
AUG 01 1988

SIGNATURE

AMENDMENT, 36-7740
BUCKEYE FARMS, INC.

STAFF ANALYSIS SUPPLEMENT

1) Water District _____ Basin # 36

2) Local Description: (of one P/D)

☐ At the above street address

☒ 3 miles N/S 5 and ~~_____ miles E/W~~

of Hagerman, Idaho (City or landmark).

☐ Other (describe) _____