

MEMORANDUM

TO: Files 36-07741 and 36-08729

FROM: KAY WALKER 

RE: License Recommendations

Date: February 8, 2002

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In review of these permits for licensing, I found that the amount of water to be licensed should be the amount previously decreed. In looking at the decrees, I found Rts. 36-00001 and 36-00002 were decreed for use of Riley Creek. The two decrees equal 22.45 cfs, which is the amount I recommend we license under both of the permits from Riley Creek. This is the same approach taken on other rights being licensed for Buckeye Farms concerning their overlapping rights. The way I read these water right files, the intention was to develop new uses from their decreed rights, not develop new water.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-1

WATER RIGHT NUMBER: 36-1

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

Priority Date: 05/01/1883

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	12.000 CFS	
	<u>Total Diversion:</u>	12.000 CFS	

Location of Point(s) of Diversion

RILEY CREEK	L6 SE1/4SW1/4NE1/4	Sec. 1,	Twp 08S, Rge 13E, 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	27											32.0	40.0			40.0	40.0	152.0
07S	13E	28															40.0	35.0	75.0
																	L 8		
07S	13E	33	40.0	36.0	26.0	10.0	6.0			4.0	1.0				6.0	24.0	5.0	29.0	187.0
				L 1	L 4		L 1									L 5	L 8		
07S	13E	34	40.0	38.0	40.0	38.0	40.0	34.0	31.0	39.0	7.0	10.0			13.0	17.0			347.0
											L 3	L 4			L 1				

Total Acres: 761

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-1

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH THE HUNT DITCH.
2. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 36-00002 AND 36-00003H IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 28.55 CFS.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 36-00002 AND 36-00003H IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 761 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. WORSTELL 8/7/1992 COPIED FROM REMARKS
Comment: DECREE INCORRECTLY DESCRIBES P/D AS SWSE S 1 T8S R 13E
2. SCHULTZ 9/23/1992 NOTICE OF ERROR (NOE)
Comment: RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/18/92. 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. A36-00001 also changed this date.
5. CFRITSCH 5/20/1996 COPIED FROM REMARKS/REFORMATTED REMARKS
Comment: 5.96 CFS OF RIGHT NO. 36-00002 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 36-00002.

Dates and Other Information:

Licensed Date:
Decreed Date: 2/10/1997
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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2

WATER RIGHT NUMBER: 36-2

<u>Owner Type</u>	<u>Name and Address</u>
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: 10/01/1908

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	10.450 CFS	
	<u>Total Diversion:</u>	10.450 CFS	

Location of Point(s) of Diversion

RILEY CREEK	L6 SE1/4SW1/4NE1/4	Sec. 1,	Twp 08S, Rge 13E, 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	27											32.0	40.0			40.0	40.0	152.0
07S	13E	28															40.0	35.0	75.0
																	L 8		
07S	13E	33	40.0	36.0	26.0	10.0	6.0			4.0	1.0				6.0	24.0	5.0	29.0	187.0
				L 1	L 4		L 1								L 5	L 8			
07S	13E	34	40.0	38.0	40.0	38.0	40.0	34.0	31.0	39.0	7.0	10.0			13.0	17.0			347.0
											L 3	L 4			L 1				

Total Acres: 761

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-2

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00003H IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 761 ACRES IN A SINGLE IRRIGATION SEASON.
2. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00003H IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 28.55 CFS.
3. Explanatory WATER IS DELIVERED THROUGH THE HUNT DITCH.

Comments:

1. BEDKE 1/14/1991 SCC-STAFF REVIEW
Comment:
2. WORSTELL 8/7/1992 COPIED FROM REMARKS
Comment: FLOW CARRIED BY HUNT DITCH SINCE 1940
3. SCHULTZ 9/23/1992 NOTICE OF ERROR (NOE)
Comment: RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/10/92. DID NOT REVERIFY ANY PART OF CLAIM.
4. CLELLAND 10/21/1992 NOE RESPONSE
Comment: MET TODAY WITH JOHN SIMPSON AND SHARON STRICKLAND AT IDWR, REVIEWED THE RECOMMENDATIONS. NO CHANGES.
5. ROBERTSO 6/21/1993 ADDRESS CHANGE
Comment: Change of address form received 6/17/93. A36-00002 also changed this date.
6. CFRITSCH 5/20/1996 COPIED FROM REMARKS/REFORMATTED REMARKS
Comment: 5.96 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 36-00001.

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