

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-11617
Date Received: 11/29/1988
Receipt No: E004603
Received By: Coded Jr

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELMER ELLSWORTH DBA ELLSWORTH PRODUCE 208-754-0447
Address: P.O. BOX 9
LEWISVILLE, ID 83431
2. Date of Priority: JAN 01, 1950
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	38E	5	SE	NE			JEFFERSON
5. Description of diverting works:
21' DEPTH(2 WELLS) USED JOINTLY WASHING POTATOES IN WAREHOUSE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.040		
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
COMMERCIAL; WASHING OF POTATOES FOR FRESH PACKING
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	38E	5	SE	NE		COMMER	
11. Place of use in counties: JEFFERSON

A25-11617

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Date: 02/14/89

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12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
WATER RIGHT USED FOR WASHING POTATOES FOR FRESH PACKING

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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CIVIL CASE NUMBER: 39576
Ident. Number A25-11617
Date Received 11-29-88
Receipt Number E004603

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

A2511617

Please type or print clearly

1. Name of Claimant (s) ELMER ELLSWORTH Phone 208 754-0447
Mailing Address DBA Ellsworth Produce
P.O. Box 9 Lewisville, ID Zip 83431

2. Date of Priority (Only one (1) per claim) JANUARY 1, 1950

3. Source of water supply (a) Groundwater
which is tributary to (b) -

4. a. Location of existing point of diversion is: Township 4N. Range 38 Section 5,
_____ 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of JEFFERSON

Additional points of diversion if any: -

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 21 foot depth

2 wells are adjacent to each other and are used
jointly in washing and fluming potatoes in the warehouse

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6. Water is claimed for the following purposes:

(both dates are inclusive)

For Commercial purposes from JAN 1. to Dec 1. amount 0.04 (cfs) or 0.04 (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from 6-1-8 to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Commercial - Washing of Potatoes for fresh Packing

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	38	5				0													

Total number of acres irrigated NONE

11. In which county (ies) are lands listed above as place of use located? JEFFERSON

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks: Water right used for washing Potatoes for fresh Packing

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Last Name Ellsworth Ident No. _____

Copies: White - State, Yellow - Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of 256 squares. Each square contains a crosshair pattern of dashed lines. The pattern is consistent across all squares, consisting of a horizontal dashed line, a vertical dashed line, and two diagonal dashed lines forming an 'X' shape. The grid is composed of solid black lines separating the squares.

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Last Name Ellsworth

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Elmer & Ellsworth Date 11-29-88

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 29 day of November 19 88

SEAL

Notary Public Marla Briggs

Residing at Lewisville Id.

My Commission Expires June 11, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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Last Name Ellsworth Ident. Number _____

Copies White-State, Yellow-Claimant

May 23, 1991

State of Idaho
Department of Water Resources
150 Shoupe Ave. Suite 15
Idaho Falls, ID 83402

RECEIVED

MAY 24 1991

RE: Water Right #A25-11617

Department of Water Resources
Eastern District Office

Affidavit

To whom it may concern:

This is to verify that groundwater has been pumped for use in fresh packaging of potatoes at the location currently operated by Elmer Ellsworth dba Ellsworth Produce in or about the year 1950.

Two wells were drilled to provide the needed water to wash potatoes for consumer packaging. The original establishment was built by L.F. Gneiting and his sons. Being one of L.F. Gneiting's sons and having worked at the above mentioned location, I have personal knowledge of the use of this water and its associated right.

Sincerely,

Richard Gneiting

Richard Gneiting

Notary: *Marla Bugge*
Residing at: *Lewistown, Idaho*
My Commission Expires: *June 11, 1993*

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Nov 11 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 1, 1991

RECEIVED

MAY 24 1991

Elmer Ellsworth
DBA Ellsworth Produce
P.O. Box 9
Lewisville, ID 83431

Department of Water Resources
Eastern District Office

RE: Evidence of Priority

Dear Mr. Ellsworth:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

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Elmer Ellsworth

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Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,



Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-11617
ELMER ELLSWORTH DBA ELLSWORTH P
P.O. BOX 9

LEWISVILLE TN 38431

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
A25-11617	ELMER ELLSWORTH DBA ELLSWORTH PRODUCE P.O. BOX 9 LEWISVILLE ID 83431	01/01/1950	COMMERCIAL	01-01 12-31	0.04 CFS	BENEFICIAL USE

0.04 CFS TOTAL
0.00 AFA TOTAL

SOURCE: GROUNDWATER
OTHER RIGHTS: NONE
CONDITIONS OF APPROVAL:

TRIBUTARY:

REMARKS: WATER RIGHT USED FOR WASHING POTATOES FOR FRESH PACKING

POINT OF DIVERSION:
T04N R38E S05 SENE

PLACE OF USE: COMMERCIAL
T04N R38E S05 SENE

DO NOT FILM

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10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME ELLS WOODS + RODRIGUEZ CLAIM I.D. NO. A25-11617

DATE RECEIVED 11-29-88 CK # 19967 AMOUNT \$ 229⁰⁰

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is a priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.		
3. (a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☐ N/A	☐
4. Is the legal description of the p.d. sufficient?	☒	☐
5. Is there a description of the diverting works?	☒	☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
7. Is a total quantity claimed entered?	☒	☐
8. If required is a consumptive use entered?	☐ N/A	☐
Is the consumptive use correct?	☐ N/A	☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☒ N/A	☐
10. Is (are) the place(s) of use entered?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" indicated?	☒	☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☐ N/A	☐
15. Is the basis of the claim checked?	☒	☐
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Was this claim filed on time, or was an extension granted?	☒	☐
Is the fee enclosed correct?	☐ Exempt	☐
If this claim is based on an existing water right, has the identification number been entered?	☐ N/A	☐
Should this claim be receipted and data entered?	☒	☐

Claim checked by:

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NOV 11 1992

Comments: LETTER REQUESTING MAP