

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7107

NAME AND ADDRESS: NELSON RICKS CREAMERY CO  
1755 S FREMONT DR  
SALT LAKE CITY UT 84104

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS  
42.50 AFY

PRIORITY DATE: 10/09/1974

POINT OF  
DIVERSION:

T06N R40E S16 SESENE Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| INDUSTRIAL            | 01/01 12/31          | 0.100 CFS       |
| DOMESTIC              | 01/01 12/31          | 37.70 AFY       |
|                       |                      | 0.080 CFS       |
|                       |                      | 4.80 AFY        |

PLACE OF USE: INDUSTRIAL in MADISON County

T06N R40E S16 SENE

DOMESTIC in MADISON County

T06N R40E S16 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SNAKE RIVER BASIN ADJUDICATION  
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Claim Number(s):

A22-7107, A22-10118OK JC  
6/1/05  
} changed  
6-1-05

Previous Mailing Address:

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New Mailing Address:

Nelson Ricks Creamery  
1755 South Fremont Drive  
Salt Lake City Utah 84104  

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Telephone Number:

(801) 364-3607

Signature of Claimant(s):

Kirk Mackert  
U-P Idaho Operations

Please return this completed form to:

Adjudication Bureau  
Idaho Dept. of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706-2237  
Ph. 1/800/451-4129 or  
FAX 208/327-5400Adjudication Bureau  
Idaho Dept. of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082  
Ph. 208/334-2190 or  
FAX 208/334-2348Adjudication Bureau  
Idaho Dept. of Water Resources  
1341 Fillmore St., Ste. 200  
Twin Falls, ID 83301-3380 or  
FAX 208/736-3037Adjudication Bureau  
Idaho Dept. of Water Resources  
900 N. Skyline, Ste. A  
Idaho Falls, ID 83402-3653 or  
FAX 208/525-7177SS  
ADDRESS FM  
Revised 12/13/1999IDWR Use Only:  
Data Entry: \_\_\_\_\_

Date: \_\_\_\_\_

PROFILED

JUN 15 2005

Received Time May. 26. 2:57PM

Claim No 22-7107

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

Per Courthouse Nelson-Ricks Creamery ObN 40E 16 1201  
1755 South Fremont Drive SLC UT 84104

Local contact is Kirk Macdonald, PO Box 246,  
Rayburg, IA 83440, 356-5700



Claim no. A22-7107

Claimant Contact Log

| Date      | Remarks                                    | Agent initials |
|-----------|--------------------------------------------|----------------|
| 18 May 05 | 356-3607 no answer<br>phone book: 356-5900 |                |
| 356-5900  | call back in AM.                           | Bac            |
| 356-5900  | 19 May 05 10 AM Kirk - msg on voice mail   | Bac            |
| 19 May 05 | - field inspection w/ Kirk Markert         | Bac            |
|           |                                            |                |
|           |                                            |                |
|           |                                            |                |



## Contacts Data Entry Form

Claim Number: A22- 7107

| Owner Type | Full Name | Address | City | State | Zip |
|------------|-----------|---------|------|-------|-----|
|------------|-----------|---------|------|-------|-----|

Current Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Current Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Current Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Name connector: and \_\_\_\_\_, or \_\_\_\_\_, and/or \_\_\_\_\_.

Representing Attorney: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Accompanied By: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Relationship to Claimant: \_\_\_\_\_ Date of Field Exam: \_\_\_\_\_

Discussion of right origin and split history. Questions and problems.

For some reason original license was for far less than installed diversion capacity. Claimant attempted to correct this with a beneficial use claim A22-10118 but apparently was never informed of the 1963 statutory permit requirement. Apparently for some reason claimant was not invited to apply for a permit at the time of claims taking. Field inspection and review of the original license exam suggest that the two claims together are within the original developed capacity and that the current system is the same as originally developed. JAC 20 May 05

\* Recommend As Licensed -22-10118 Disallowed - Re: 42-229 FC Mandatory Permit Statute 1963 GW.

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

### Priority Date Data Entry Form

Claim Number: A22-07017

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: \_\_\_\_\_ Claimed Basis: \_\_\_\_\_

Recommended Priority Date: October 9, 1974 Recommended Basis: Licence

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Copy of license shows Oct 9, 1974. BAC 20 May 08

Recommended as Licensed

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

Water Right No(s). A22-07017, A22-10118



**GPS DATA:**

South well LF 000 7496  
Tag # North well E000 7497 Location: on discharge pipes

**Diversion Data:**

Source: \_\_\_\_\_ Trib to: \_\_\_\_\_

**MOTOR**

Make: Franklin Model: 23660360 Hp: 15  
SN: 12 0001

**PUMP**

Make: submersible Model: \_\_\_\_\_ Disch: \_\_\_\_\_  
SN: \_\_\_\_\_

**NOTES:**

Motor information is from used spare motor  
in well house. Licensing exam shows 2 15 hp pumps.  
Control panels in pump house & discharge pipes  
convey appear to be identically sized. Due 20 May 05

Field Exam Date: \_\_\_\_\_ Agent: \_\_\_\_\_

## Point of Diversion and Source Data Entry Form

Claim Number: A22-7107Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T \_\_\_\_\_, R \_\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Water Right Point of Diversion: T \_\_\_\_\_, R \_\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Claimed Point(s) of Diversion and Source.

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County  | Source      | Tributary to |
|-----|-----|-----|---------|----------------|---------|-------------|--------------|
| 06N | 40E | 16  |         | SESE NE        | Madison | Groundwater |              |
|     |     |     |         |                |         |             |              |
|     |     |     |         |                |         |             |              |

Recommended Point(s) of Diversion and Source.

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County  | Source      | Tributary to |
|-----|-----|-----|---------|----------------|---------|-------------|--------------|
| 06N | 40E | 16  |         | SESE NE        | Madison | Groundwater |              |
|     |     |     |         |                |         |             |              |
|     |     |     |         |                |         |             |              |

Other rights from this POD? NATransfers Pending or approved: NADocument how the POD and Source were verified:North well 615 Waypoint 15, 2681679 E  
1407758 N IDTM83South well 615 Waypoint 14, 2681676 E  
1407241 N IDTM83Photo registration appears to be off, wells do not  
plot where expected. See sketch on layout.  
Both wells are in 6N 40E 16 SESE NE.Recommended as licensed  
Bar 20 May 05

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

## Place Of Use Data Entry Form

Claim Number:

A22-7107

## Claimed Place Of Use

| Twp | Rge | Sec | QQ | Q  | County  | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|----|---------|---------|-------|----------------|
| 06N | 40E | 16  | SE | NE | Madison |         |       | Domestic       |
| "   | "   | "   | "  | "  | "       |         |       | Industrial     |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |

Total acres \_\_\_\_\_

## Recommended Place of Use

| Twp | Rge | Sec | QQ | Q  | County  | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|----|---------|---------|-------|----------------|
| 06N | 40E | 16  | SE | NE | Madison |         |       | Domestic       |
| "   | "   | "   | "  | "  | "       |         |       | Industrial     |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |

Total acres \_\_\_\_\_

Pending or approved Transfers: NA

Overlapping rights: NA

## Document how the POU was verified:

6N 40E 16 SE NE

Recommended as shown

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

## Season of Use and Quantity Data Entry Form

Claim Number: 22-7107Water Right Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|           |       |     |      |        |
|           |       |     |      |        |
|           |       |     |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

Claimed Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume |
|------------|-------|-------|------|--------|
| Industrial | 01/01 | 12/31 | 0.10 |        |
| Domestic   | 01/01 | 12/31 | 0.08 |        |
|            |       |       |      |        |

Overall Diversion Rate 0.1

Overall Diversion Volume \_\_\_\_\_

Recommended Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate | Volume |
|------------|-------|-------|------|--------|
| Industrial | 01/01 | 12/31 | 0.10 | 37.7   |
| Domestic   | 01/01 | 12/31 | 0.08 | 4.8    |
|            |       |       |      |        |

Overall Diversion Rate 0.10 afOverall Diversion Volume 42.5Document how the Period of Use and/or Diversion Rate were verified:

Recommended as Licensed

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

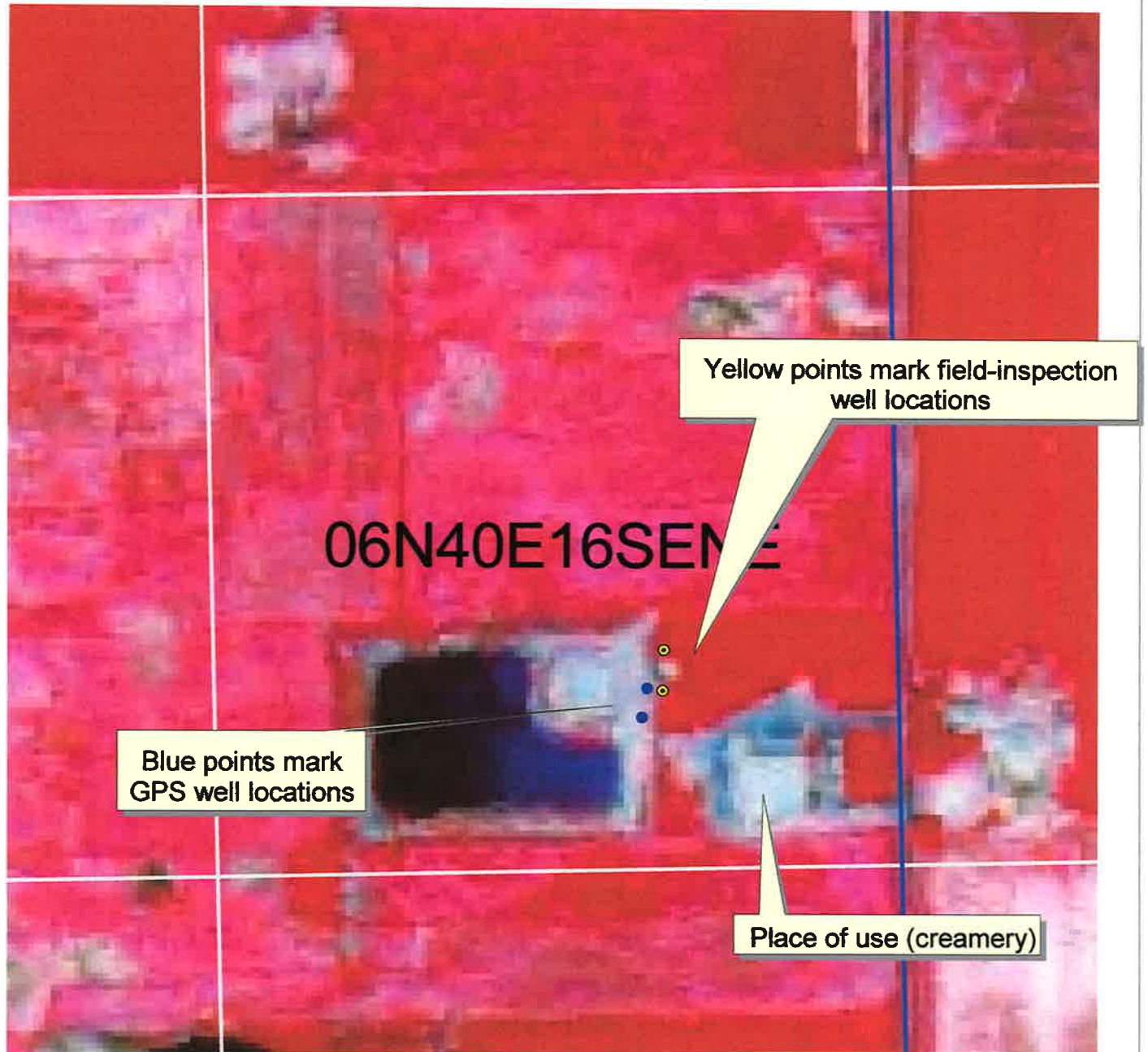
\_\_\_\_\_

\_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

**A22-07107, A22-10113**  
**Illustration of GPS problem**  
**or image registration problem**



False Color: 1987 Aerial Photography from IDWR



- Tempgps.txt
- Tempgps.txt
- A22-12780\_amend.shp
- PLSS Section LinesGcdb\_sections.shp
- Gcdb\_qq.shp

Illustration prepared by  
Water Resources Field Services  
208 681 9100

## WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Nelson Ricks Creamery  
of Salt Lake City, Utah, has complied with the terms and conditions of Permit  
No. 22-7107 issued pursuant to Application for Permit dated October 9, 1974,  
and has submitted proof to the Department of Water Resources on September 17, 1979,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 1.36 cfs of water from a groundwater source,  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

Subject, however, to the condition that no more than 0.10 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 42.5 acre feet per year, said waters to be diverted within the (2 points) SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 16, Twp. 6N, Rge. 40E in the County of Madison

[illegible]

Total number of acres irrigated \_\_\_\_\_

**NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.**

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29<sup>th</sup> day of July 19 82

For the Director

$$D_{12}^+$$

## FIELD REPORT

3. Water will be used for the following purposes:

**Other uses:**

**TOTAL ACREAGE**

22-7107

R 40E

T  
26  
2

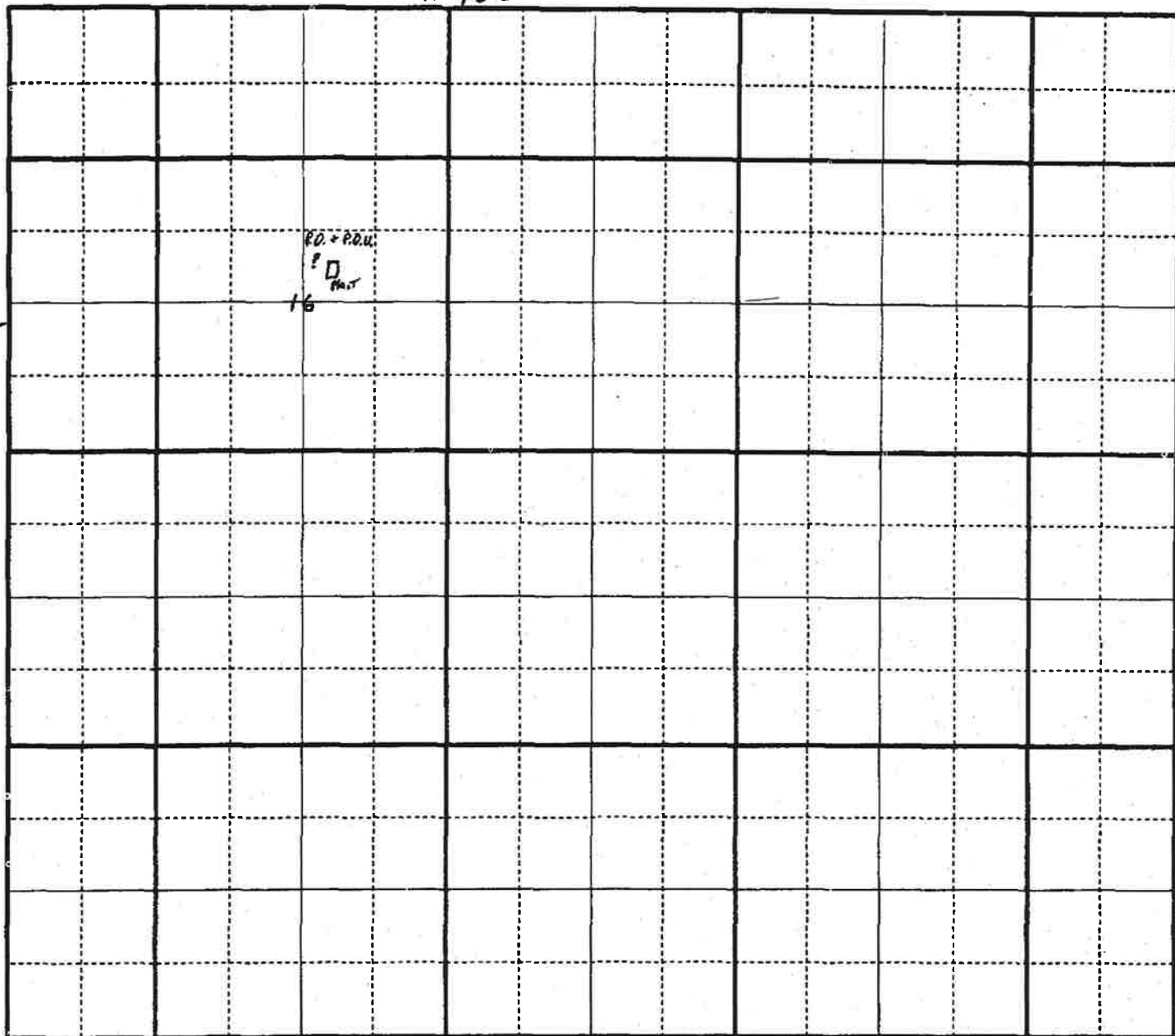
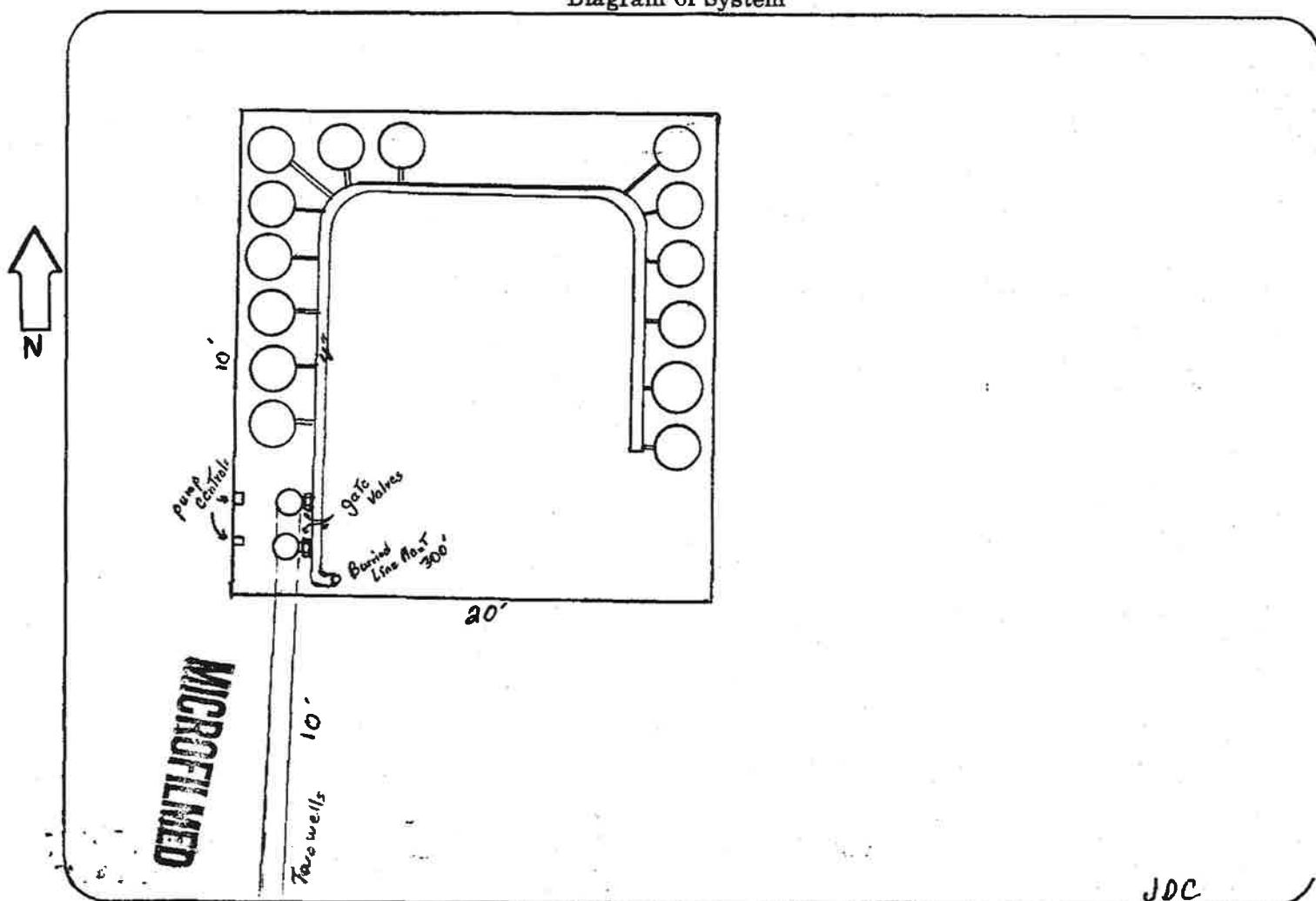
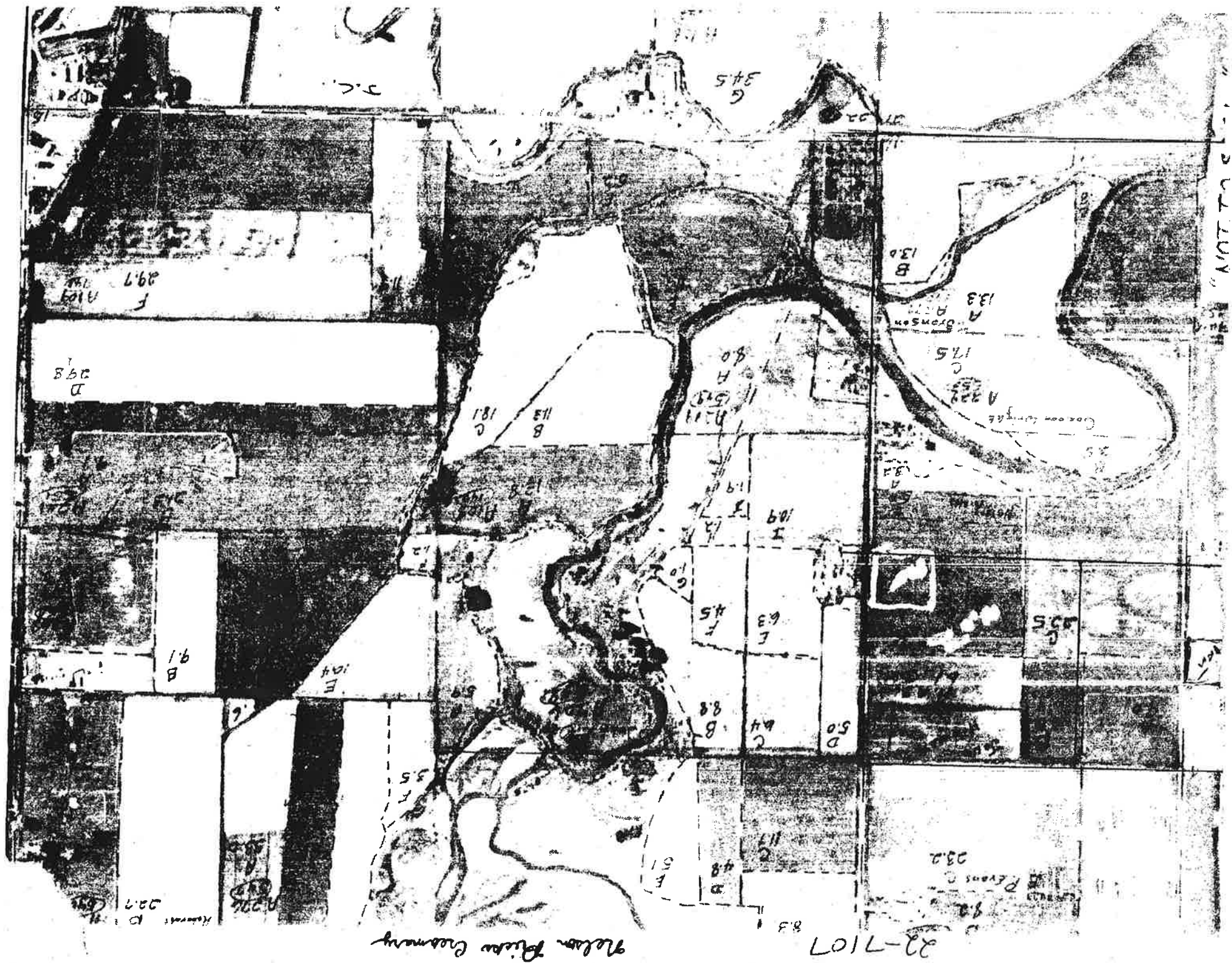


Diagram of System



JDC



DATE OF EXAM Aug. 14, 80

ACREAGE  
Found n/a  
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE  
Irrigation Q = 0.08 c.f.s. V = 4.8 AF/Ann. from Jan 1 to Dec 31  
Domestic Q = 0.08 c.f.s. V = 4.8 AF/Ann. from Jan 1 to Dec 31  
Livestock Q = 0.10 c.f.s. V = 37.7 AF/Ann. from Jan 1 to Dec 31  
Industrial Q = 0.10 c.f.s. V = 42.5

Is water co-mingled? yes no

Name source: n/a  
twp. N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Exchange? yes no

Name source exchanged with: n/a  
twp. N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Point of injection: n/a  
twp. N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Point of exchange: n/a  
twp. N/S, Rge E/W, B.M., Sec. 1/4, Sub. 1/4 County

Total Q measured 1.36 cfs Method of measurement Theoretical  
Total Q recommended 1.0 cfs Meter No. - Type - Condition -  
Total V recommended 42.5 AF/Ann.

Recommended Amendments:

P.D. SW NE Sec 16, T6N, R40E.B.M., MADISON COUNTY.  
Place of Use as above  
Other   
None

MEASUREMENT CALCULATION:

Plant use is 50,000 gallons per day. 12.5 hr = work day.  
50,000 gpd. ÷ 12.5 hr = 4,000 gph = 66.67 gpm = 448.8 cfs = 1.5 cfs  
Two wells. (15 hp) (70%) (8.8 P.H.) 92.55 = 68 cfs x 2 pump = 1.36 cfs  
10 cfs x 1.033 AF/cfs AF/12.5 hr x 365 days = 37.7 AF/Ann.  
Allow 1000 gpd permit  
36 employees x 12.5 gpd = 4500 gpd  
2 hp x 160 cfs AF/12.5 hr x 365 days = 4.8 AF/Ann.

SYSTEM DESCRIPTION:

Two 15 hp. Jacuzzi 6' submersible pumps divert ground water from two wells  
to a pump house with 17 well X 200 pressure tank w/ 204, a 4" inch buried  
line to plant where water is used to wash equipment and floors. Domestic use  
2 bathrooms with showers + drinking fountains.

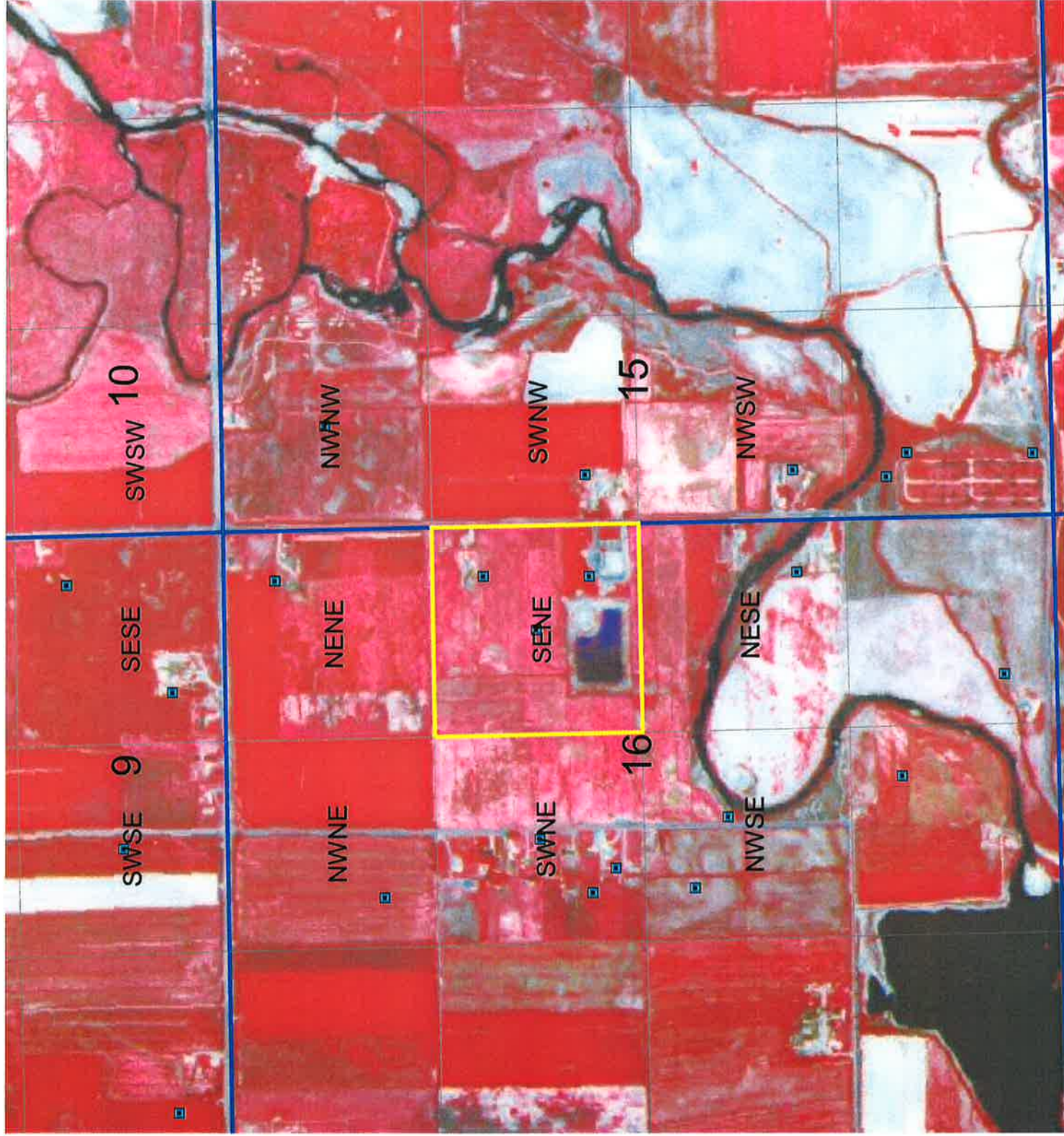
REMARKS:

3 pump x 125 gpd = 4500 gal per day ÷ 60 = 75 gpm = 1.36 cfs  
37.5  
448.8  
0.08 cfs

Examiner's Signature John D. Carlson Date Nov. 20, 80  
Checked by John Kappeler Date 22 Dec 1980  
Approved by Kappeler Date 6/29/82

MAINTAINED

22-7107



SINCE 1907

# Nelson-Ricks Creamery Company



MAIN OFFICE: 314 WEST 3RD SOUTH • SALT LAKE CITY, UTAH 84101

RECEIVED

JUL 18 1988

Department of Water Resources  
Eastern District Office

July 15, 1988

Idaho Department of Water Resources  
150 Shoup Avenue #15  
Idaho Falls, ID 83401

Gentlemen:

When we moved into our new cheese plant northeast of Rexburg in January of 1975 we were processing around 70,000 pounds of milk per day. Our plant was designed to handle up to 325,000 pounds of milk per day and our production has increased over the years to the point that we are presently processing around 250,000 pounds of milk per day.

We are also investigating the feasibility of installing a system to to recover the solids in our cheese whey. This system, if we go ahead with it, will require additional water supply for cleaning.

For these reasons we are claiming more water than our original permit allowed.

Sincerely,

Nelson-Ricks Creamery Co.

*Dean E. Barker*

Dean E. Barker  
Vice President and  
Controller

MICROFILMED

OCT 29 1982

RECEIVED  
JUL 20 1988

Department of Water Resources  
Eastern District Office

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: A22-07107  
Date Received: 6/30/1988  
Receipt No: E 000 990  
Received By: ESJ

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: NELSON RICKS CREAMERY CO. 801-364-3607  
Address: 314 W. 300 S.  
SALT LAKE CITY, UT 84101

2. Date of Priority: OCT 09, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06N      | 40E   | 16      | SE     | SE     | NE  |     | MADISON |

5. Description of diverting works:  
WELL, PUMP & PRESSURE SYSTEM TO CHEESE FACTORY.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| INDUSTRIAL | 01/01 | 12/31 | 0.100  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.080  |      |        |

7. Total Quantity Appropriated is:  
0.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 42.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
I/CREAMERY PLANT. D/WATER FOR 44 EMPLOYEES.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use              | Acres |
|----------|-------|---------|--------|-----|-----|------------------|-------|
| 06N      | 40E   | 16      | SE     | NE  |     | DOMEST<br>INDUST |       |

A22-07107 Page 1 Date: 07/21/88



MICROFILMED  
OCT 29 1992

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

CLAIMING EXPANSION OF RIGHT FOR CAPACITY OF WELLS

14. Remarks:

2 P/D IN SENE, S16, T6N, R40E. IN 1981 INCREASED PLANT SIZE TO UTILIZE CAPACITY OF WELLS (380 GPM). PLANT PRODUCES 25,000 POUNDS OF CHEESE/DAY. WHEN LICENSED PLANT PRODUCED 7500 POUNDS PER DAY.

15. Basis of Claim: LICENSE

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 X do not        wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:                     

For Organizations:

I do solemnly swear or affirm that I am VICE PRESIDENT & CONTROLLER of  
Title

NELSON-RICKS CREAMERY CO., that I have signed the foregoing  
Organization

document in the space below as VICE PRESIDENT & CONTROLLER of  
Title

NELSON-RICKS CREAMERY Co and that the statements contained in the  
Organization

foregoing document are true and correct.

Dean E. Barker  
Signature of Authorized Agent  
VICE PRESIDENT & CONTROLLER  
NELSON-RICKS CREAMERY Co.  
Title and Organization

July 26, 1988  
Date

MICROFILMED  
OCT 29 1992

State of <sup>UTAH</sup>~~Idaho~~ )  
County of SALT LAKE ) SS.

Subscribed and sworn (or affirmed) before me this 26th day  
of July 19 88

Carol N. Harker  
Notary Public

Seal

Residing at Salt Lake City, Utah  
My Commission Expires 12/31/91