

02/02/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-10861

NAME AND ADDRESS: FLOYD WILCOX & SONS INC
1110 GOLDEN BEAUTY DR
REXBURG ID 83440-3702

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
9.000 AFY

PRIORITY DATE: 08/01/1947

POINT OF DIVERSION:

T05N R39E S15 SESESE Within MADISON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

11/01 07/01

0.040 CFS
9.00 AFY

PLACE OF USE: INDUSTRIAL Within MADISON County

T05N R39E S15 SESE

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 - Beneficial Use

Water Resources Field Services

1571 N. 1100 E.
Terreton, ID 83450
208-663-4667

MEMORANDUM

To: Adjudication Claim file A22-10861
cc: Roger Warner, Water Allocations
Fr: Bryce Contor
Date: 8/21/2004 *Bryce*

Re: Priority date and diversion rate.

This is a beneficial use claim for industrial use in a fresh-pack potato shed. The claimants are trying to transfer the water right to a new facility in Rexburg that currently uses city water.

On August 17 I talked to Lynn Wilcox on the telephone. He said there were three wells:

1. Original cased well drilled in the 1940s, 2 horsepower pump. Pumping lift is 10 feet in the winter and about one foot in the summer. An affidavit in the file confirms an August 1, 1947 priority for this well.
2. Three inch sandpoint well driven in 1971.
3. Eight inch cased well drilled in 1988.

He estimated the total production (based on plant requirements) at 350 gallons per minute. The plant ran 5 1/2 days per week, 9 hours per day, year round.

Because only the 1940s well preceded the mandatory permit statute I calculated a theoretical capacity based on Lynn's information and prepared an amended claim for 0.12 cfs, 27 acre feet per year. Calculations are in paper file A22-10861.

On August 20 I met with Barbara Waters, Terry Wilcox and Lynn Wilcox. I explained the amended claim to Lynn and he felt it should include all three wells based on a conversation he had recently at IDWR with Roger Warner and another man. He said the other man stated that he "didn't care about anything before 1987" and those would be eligible for transfer. I agreed to get the data on all the wells and confer with Roger to structure the amended claim to be compatible with the transfer plan.

Barbara and I looked on the internet to see if the most recent well had a permit or license. We were not able to find anything, searching either by PLS description or by water-user name.

Terry and I went to the plant at Thornton and found the following:

1. The original well now has a 1 horsepower pump controller. Terry believes this change was made when the 1980s well was drilled. The theoretical capacity of the current pump would be about half that calculated earlier, or 0.06 cfs and 13.5 acre feet per year.
2. The three-inch sandpoint well has a five horsepower motor and five horsepower pump controller. Based on the earlier theoretical calculation, this pump should have a capacity of 0.30 cfs and 67.5 acre feet per year. The intake pipe velocity (3" intake) at 0.30 cfs is about six feet per second, and the outlet velocity (2 1/2") is about nine feet per second. These are not unreasonable values.
3. We did not find the 1980s well. Terry believes it is buried under fill gravel that was brought into the parking lot. We did not find a pump controller. We did find a 1 1/2 inch pipe that enters the basement at about the right location, that appears to be tied to the water system. At a flow velocity of eight feet per second, this pipe would have a capacity of 0.10 cfs and 23 acre feet per year.

The total current capacity appears to be about 0.46 cfs, or 206 gallons per minute. At full capacity during the operation of the shed (which is likely; Lynn told me on the phone that they were always tight on water supply), recent historical use was likely about 104 acre feet per year. Pre-1963 capacity and use were probably closer to the original calculated values of 0.12 cfs and 27 acre feet per year.

My plan is to discuss this with Roger Warner and prepare an amended claim that matches Roger's plans for the transfer. I will mail the amended claim to the claimants.

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 A22-10861

Date Received _____

Receipt Number _____

Amended

NOTICE OF CLAIM Amended
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Floyd Wilcox & Sons Inc Phone (208) 356 6668 ⁷⁵⁶³
Mailing Address 1110 Golden Beauty Dr, Rexburg ID Zip 83440

2. Date of Priority (Only one (1) per claim) Aug 1, 1947

3. Source of water supply (a) Ground Water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 5N Range 39E Section 15,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Madison

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.

42' well, submersible pump

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Industrial
Commercial purposes from 1/1 to 12/31 amount 0.12 or 27

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.12 (cfs) and/or (b) 27 (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.) _____

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	
<u>5N</u>	<u>34E</u>	<u>15</u>																<u>II</u>	

Total number of acres irrigated _____

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

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 ()

14. Remarks: This amended claim changes the rate and
volume corresponding to theoretical calculation
in the claim file

Last Name Wilcox

Ident No. 422-10861

Amended

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Please see original claim

A 16x16 grid of squares, each containing a crosshair pattern of dashed lines. A small blue mark is visible in the top right corner.

Wilcox

A22-10861

Amended

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 _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.
Signature of Claimant (s) _____ Date _____
_____ 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 _____ day of _____ 19 _____
SEAL Notary Public _____
Residing at _____
My Commission Expires _____

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 _____

Last Name Wilcox Ident. Number A22-10861
Amended

Water Resources Field Services

1571 N. 1100 E.
Terreton, ID 83450
208-663-4667

SN 39E

August 24, 2004

Lynn Wilcox
Floyd Wilcox and Sons Inc.
1100 Golden Beauty Drive
Rexburg ID 83440

RECEIVED
AUG 25 2004
Department of Water Resources
Eastern Region

Re: Amended claim A22-10861

Dear Mr. Wilcox:

Enclosed is an amended claim for 0.78 cfs (350 gallons per minute) at the Thornton fresh pack facility. You may return it directly to IDWR with a notarized signature. The address is:

IDWR attn: **Al Ruberry**
900 N Skyline Ste A
Idaho Falls ID 83402

You may want to talk to IDWR (525-7161) about any additional fee.

I visited with Roger Warner. He said that any rate and volume recommended in the adjudication will be eligible to transfer. This claim is for the entire capacity of the plant that you suggested to me on the telephone. Al Ruberry will make the recommendations based on the documentation that you are able to provide. The more evidence you can find that substantiates high rates of water use, as early in time as possible, the better recommendation Al will be able to make. I'm confident that the information in the file now will support at least 0.12 cfs and 27 acre feet per year.

If you have more questions about this water right you may contact Mr. Ruberry. Roger Warner may be able to help you with additional sources of water for the new plant in Rexburg. You may also call me at 681-9100.

Sincerely,



Bryce A. Contor

cc: Al Ruberry

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 A22-10861

Date Received _____

Receipt Number _____

AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Claimant Floyd Wilcox and Sons Inc
 1100 Golden Beauty Drive
 Rexburg ID 83440
 208 356 7563

2. Date of Priority August 1, 1947

3. Source of water (a) Ground Water
 which is tributary to (b)

4. a. Location of points of diversion:

Township	Range	Section	QQQ	Diversion Name
5N	39E	15	SESESE	Old well
5N	39E	15	SESESE	Sandpoint well
5N	39E	15	SESESE	New Well

5. Description of existing diversion works.
Please see Adjudication Field Exam notes.

Three wells with pumps, to potato processing shed.

6. Water is claimed for the following purposes:

Purpose	Start Date	End Date	cfs	acre feet/year
Industrial	1/1	12/31	0.78	175

7. Total quantity claimed (a) 0.78 (cfs) and/or (b) 175 (acre feet per year)

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

9. Non-irrigation uses: Industrial use in fresh-pack potato processing facility

10. Description of place of use

Township 5N Range 39E Section 15

NE				NW				SW				SE				
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
																Ind.

Total number of acres irrigated _____

11. Irrigated lands are located in county(s) of: Madison

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

13. Describe any other water rights used at the same place and for the same purposes as described above:

14. Remarks. Claim rate is based on plant requirements. Volume assumes constant operation at 350 gallons-per-minute, 5 1/2 days per week, 9 1/2 hours per day, 52 weeks per year.

Map of project: Please see original claim

15: Basis of Claim: Beneficial Use

IDWR water right number

Court Case Number Decree Date

Plaintiff vs Defendant

16: Signatures

Number of attachments _____

Signature of Claimant(s) _____ Date _____

_____ Date _____

State of Idaho/or _____)

County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 20__

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

22-10861



Water Resources Field Services

1571 N. 1100 E.
Terreton, ID 83450
208-663-4667

MEMORANDUM

To: Adjudication Claim file A22-10861
cc: Roger Warner, Water Allocations
Fr: Bryce Contor *Bryce*
Date: 8/21/2004

Re: Priority date and diversion rate.

This is a beneficial use claim for industrial use in a fresh-pack potato shed. The claimants are trying to transfer the water right to a new facility in Rexburg that currently uses city water.

On August 17 I talked to Lynn Wilcox on the telephone. He said there were three wells:

1. Original cased well drilled in the 1940s, 2 horsepower pump. Pumping lift is 10 feet in the winter and about one foot in the summer. An affidavit in the file confirms an August 1, 1947 priority for this well.
2. Three inch sandpoint well driven in 1971.
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He estimated the total production (based on plant requirements) at 350 gallons per minute. The plant ran 5 1/2 days per week, 9 hours per day, year round.

Because only the 1940s well preceded the mandatory permit statute I calculated a theoretical capacity based on Lynn's information and prepared an amended claim for 0.12 cfs, 27 acre feet per year. Calculations are in paper file A22-10861.

On August 20 I met with Barbara Waters, Terry Wilcox and Lynn Wilcox. I explained the amended claim to Lynn and he felt it should include all three wells based on a conversation he had recently at IDWR with Roger Warner and another man. He said the other man stated that he "didn't care about anything before 1987" and those would be eligible for transfer. I agreed to get the data on all the wells and confer with Roger to structure the amended claim to be compatible with the transfer plan.

where is the Amended claim
Not on this claim - other two require permits

UP AFTER DANLINE DEREK

Barbara and I looked on the internet to see if the most recent well had a permit or license. We were not able to find anything, searching either by PLS description or by water-user name.

Terry and I went to the plant at Thornton and found the following:

1. The original well now has a 1 horsepower pump controller. Terry believes this change was made when the 1980s well was drilled. The theoretical capacity of the current pump would be about half that calculated earlier, or 0.06 cfs and 13.5 acre feet per year. *⇒ it Does what?*
2. The three-inch sandpoint well has a five horsepower motor and five horsepower pump controller. Based on the earlier theoretical calculation, this pump should have a capacity of 0.30 cfs and 67.5 acre feet per year. The intake pipe velocity (3" intake) at 0.30 cfs is about six feet per second, and the outlet velocity (2 1/2") is about nine feet per second. These are not unreasonable values.
3. We did not find the 1980s well. Terry believes it is buried under fill gravel that was brought into the parking lot. We did not find a pump controller. We did find a 1 1/2 inch pipe that enters the basement at about the right location, that appears to be tied to the water system. At a flow velocity of eight feet per second, this pipe would have a capacity of 0.10 cfs and 23 acre feet per year. *Where's THE MEASUREMENT DATA?*

The total current capacity appears to be about 0.46 cfs, or 206 gallons per minute. At full capacity during the operation of the shed (which is likely; Lynn told me on the phone that they were always tight on water supply), recent historical use was likely about 104 acre feet per year. Pre-1963 capacity and use were probably closer to the original calculated values of 0.12 cfs and 27 acre feet per year.

My plan is to discuss this with Roger Warner and prepare an amended claim that matches Roger's plans for the transfer. I will mail the amended claim to the claimants.

A22-10861 photos 8/20/04 Bac



1947 well
looking straight
down. site
tag is wired
to pipe just
outside the top
of the photo



1971 Sandpoint
well, photo
taken under
warehouse floor.
Site tag is on
the backside of
support timber
behind the
motor,

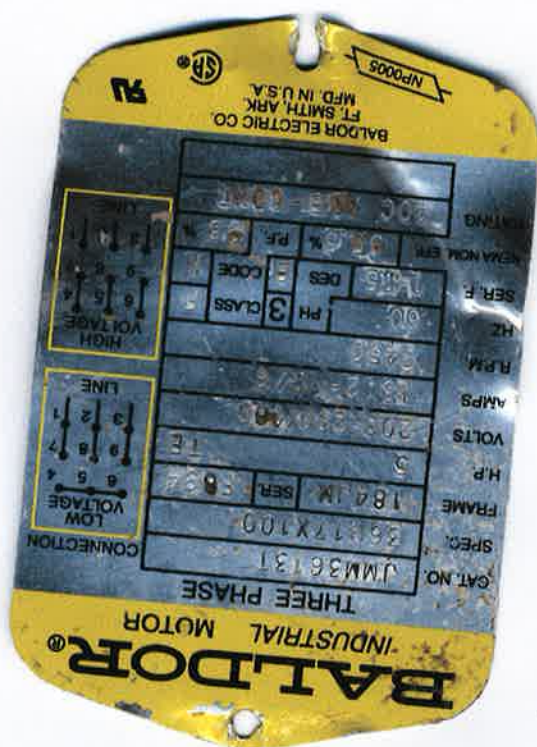
A-22-10861 photo 8/20/04 Bae



looking S at pole from parking lot.
GPS location is next to building
under plywood window cover in front of
pickup. Per claimant, 1980's well
is buried under fill gravel somewhere
in front of pickup. We found a 1 1/2 water
line entering the basement at about that
location but never found a pump controller.

Source: Removed from web
Date: 8/20/04 WBC

A22-10561 Motor log from 3" Sandpoint well



A22-10861 Theoretical calculation 8/13/04

La Lym Wilcox 2 hp pump. Winter time
 Pump lift ~ 10 feet, Summer time ~ 1 foot. Assume
 40 psi discharge

$$\text{Water hp} = \text{water hp} \times \text{efficiency} = 2 \times 0.70 = 1.4$$

friction - 5 ft estimate

$$\text{discharge head} = 40 \text{ psi} \times 2.31 = 92.4 \text{ ft}$$

$$\text{T.D.H.} = 5 \text{ ft lift} + 5 \text{ ft friction} + 92.4 \text{ ft discharge} = 102.4 \text{ ft}$$

$$\text{GPM} = \frac{\text{Water hp} \times 3960}{\text{T.D.H.}} = \frac{1.4 \times 3960}{102.4} = 54 \text{ gpm}$$

$$\approx 0.12 \text{ cfs}$$

See contact log in A22-390 re: phone call w/Lynn Wilcox

Volume: Assume pump ran constantly, based on Lyons' assertion that they were always short of water.

$$5 \frac{1}{2} \text{ days/well} \times 52 \text{ weeks/yr} \times 9.5 \text{ hrs/day} \approx 2717 \text{ hrs}$$

$$2717 \text{ hrs} \times 54 \text{ gpm} \times 60 \text{ min/hr} \approx 8,803,080 \text{ gallons}$$

$$8,803,080 / 325,850 = 27 \text{ acre-feet/yr. } \checkmark \text{BAC}$$

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records

(Please print or type)

[] Name(s):

Lynn Wilcox
C/o Floyd Wilcox & Sons, Inc
1110 Golden Beauty Dr.
Rexburg, Idaho 83440

[] Old Mailing Address:

4891 South Hiway 191
Rexburg, Idaho 83440

[] New Mailing Address:

1110 Golden Beauty Drive
Rexburg, Idaho 83440

Telephone Number:

(208) 356 - 7563

[] Signature(s)
(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)

Lynn Wilcox
President
(include your title if on behalf of company or organization)

Date:

3-16-04

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

Contacts Data Entry Form

Water Right No. A2210861

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Floyde Wilcox & Son's Inc 2600 Wilcox</u>					
Name connector: and _____, or _____, and/or _____						
Current Owner	_____					
Current Owner	_____					

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

New Address:

30 Golden Beauty Dr
Roxburg 23440

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

B. H. Clain

_____Industrial Claim - potato processing plant.2/17/04 Priority, Evidence Request sent - Returned. Address Prob.
2/24/04 Priority, Evidence Request sent w/ Change Address
Form - See Address Above.

_____Recommend as claims w/o N - Remarks - Paid at
Commercial / Industrial Rates. ~ \$54⁰⁰. Receipt is unclear
but rates indicate higher rate.

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: A2210 861

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1 Aug. 1947 Claimed Basis: B.U.Recommended Priority Date: _____ Recommended Basis: B.U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

B.U. ClaimPlease see memo BAC 8/20/04

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: A2210861

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 5N, R 39E, Sec. 15, SE, SE, SE. County: MadisonSource: Ground Water Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____	_____	_____	_____	_____	_____	_____

Other rights from this POD? GPS Tag # A0012210 for 3" Sandpoint, E0007517
for original core well.

Document how the POD and Source were verified and/or Pump and Motor data:

3 POD in 5N 39E 15 SESESE. Original well is
about 20' west of GPS Waypoint 54. 3" sandpoint is about
60' west and 90' north of Waypoint 54. Claimant state,
1980s well is near Waypoint 54. Coordinates of Waypoint 54
are 2673414 E 1397480 N IDTM 83. Bac 8/21/04.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A8910861☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5N	39E	15	SE	3E	Madison			Industrial

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Field inspection - claim is correct. BAC 8/21/04

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A2210861☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water 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	11/1	2/1	1.04 cfs	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IDWR STD 504 1/1 - 12/31See memo / theoretical calc. re: a. Pac 8/20/04
See amended claim (not yet mailed but expected).

Reviewer: _____

Date: _____

February 24, 2004

**FLOYD WILCOX AND SONS INC
30 GOLDEN BEAUTY DR
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10861

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". 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 Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of AUGUST 1, 1947, from A WELL.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim 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 the entire 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 historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

mailed
2-24-04
RECEIVED EVIDENCE
22 MARCH 04

February 17, 2004

*Mailed
2-17-04*

**Floyd Wilcox and Sons Inc
C/O Leroy Wilcox Sec
4891 S Hwy 191
Rexburg ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10861

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". 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 Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of August 1, 1947, from a well.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim 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 the entire 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 historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

FLOYD WILCOX & SONS, INC.
KEITH WILCOX & SONS, INC.
TLR, INCORPORATED
WILCOX BROTHERS LLC.
1110 Golden Beauty Drive
Rexburg, ID 83440
Phone: (208) 356-7563
Fax: (208) 356-6669

March 19, 2003

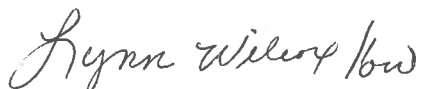
Mr. Nick L. Olson
State of Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Re: Evidence of Priority for SRBA Water Rights
Claim 22-11034 & Claim 22-10861

Dear Mr. Olsen:

Following are Affidavits in support of each of the above referenced Water Rights. After reading the brochure we feel these Affidavits should verify the use of each claim to support each priority date.

Sincerely,



Lynn Wilcox

RECEIVED

MAR 22 2004

Department of Water Resources
Eastern Region

AFFIDAVIT

I, Afton Wilcox, am the surviving spouse of Keith Wilcox. The Wilcox family, Floyd, Keith, LeRoy, and David owned the property and were using the water from the submersible pump and well in their Potato Warehouse business located on the property as of August 1, 1947. As a family member, I worked at the warehouse and have personal knowledge that the pump and well were being used in the business. The Identification Number for that well and pump is A22-10861. The physical address is 4891 South Hwy 191, Rexburg, Madison County, Idaho. The Point of Diversion is described as SE ¼ SE ¼ SE ¼ of Sec 15, Twp 5 N., Rge. 39 E.B.M.

Dated this 18th day of March, 2004.

Afton Wilcox
Afton Wilcox

STATE OF IDAHO)
SS
County of Madison.)

On this 18th day of March, 2004, before me the undersigned, a Notary Public for the State of Idaho, personally appeared Afton Wilcox, known to me to be the person whose executed the foregoing instrument and acknowledged to me that she executed the same.



Mary E. Loop-Lyman
Notary Public for the State of Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 3-26-04

RECEIVED

MAR 22 2004

Department of Water Resources
Eastern Region

August 12, 2004

**FLOYD WILCOX AND SONS
CO LEROY WILCOX SEC
1110 GOLDEN BEAUTY DR
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10861

5N39E

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the beginning of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". 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 Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of AUG 01, 1947, from a well.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

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: A22-10861
Date Received: 8/11/1988
Receipt No: 600/225
Received By: SGM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FLOYD WILCOX & SONS, INC. 208-356-6668
Address: C/O LEROY WILCOX, SEC.
4891 S. HIGHWAY 191
REXBURG, ID 83440

2. Date of Priority: AUG 01, 1947

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	15	SE	SE	SE		MADISON

5. Description of diverting works:
42' WELL W/ SUBMERSIBLE PUMP TO POTATO PROCESSING FACILITY.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	11/01	07/01	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:
INDUSTRIAL USE IN POTATO PROCESSING FACILITY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	15	SE	SE		INDUST	

11. Place of use in counties: MADISON

A22-10861

Page 1

Date: 08/11/88

MICROFILMED
NOV 06 1992

A2210861



State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day

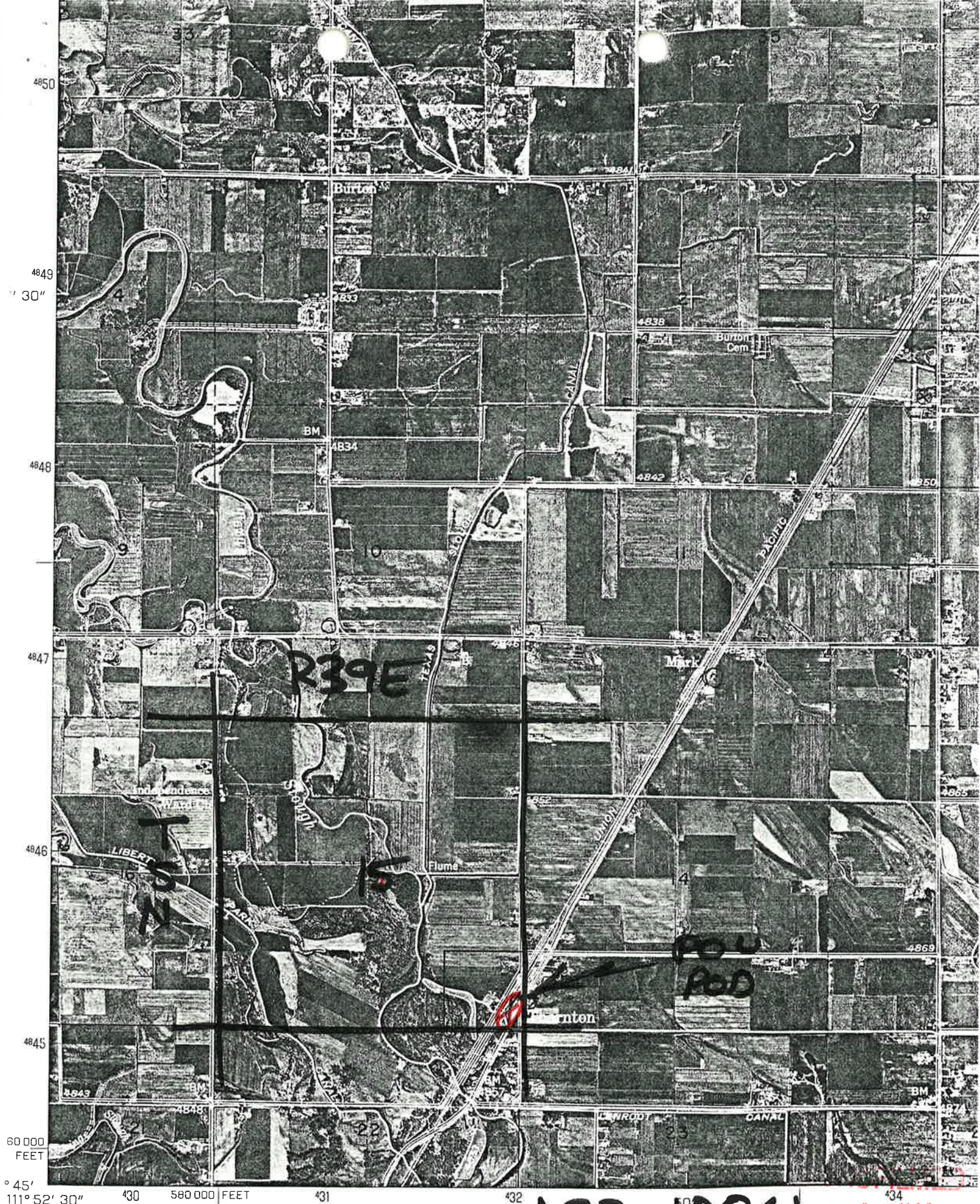
of Aug. 19 88

Crescent Wray
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 5/29/1991



Produced and published by the Geological Survey
in cooperation with the Soil Conservation Service

Orthophotograph prepared from 1:78 000-scale

A22-10861 NOV 06 1992

