

09/08/2006

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

RIGHT NUMBER: 22-11030

NAME AND ADDRESS: CHUCKS CUSTOM PACK
391 N 12TH W
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
9.68 AFY

PRIORITY DATE: 12/31/1949

POINT OF DIVERSION:
T06N R39E S23 SESENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	COMMERCIAL	01/01 12/31	0.040 CFS 9.68 AFY
PLACE OF USE:	<u>COMMERCIAL Within MADISON County</u>		
	T06N R39E S23	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 - Beneficial Use

Assuming 8 hrs/day for 7 days per week

$$8.365 = 2920 \text{ hrs}$$

$$2920 \cdot 60 \text{ min} = 175200 \text{ min/year}$$

~~175200 min~~

$$.04 \text{ cfs} = 18 \text{ gpm}$$

$$175200 \cdot 18 = 3153600$$

$$1 \text{ afa} = 325880 \text{ gallons}$$

$$3153600 \div 325880 = 9.68 \text{ afa per year}$$

TL

9-8-06

22-11030

RECEIVED

JUL 14 2005

Department of Water Resources
Eastern Region

Neville Farms
675 N 12th W
Rexburg, Id 83440

12 July 2005

To Whom it may concern. We moved to Hibbard in the late 1940's. We remember Chucks Custom Pack as being Pelton's meat packing operation several years. We remember the transition to Wrights taking over the operation. Sometime during these years a man by the name of Farr ran the business. The operators of Chucks Custom Pack are the current operators. They have been our good neighbors for years..

Darrell C. Neville



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s):

A22-11030

[] Name(s):

[] Old Mailing Address:

[] New Mailing Address:

391 N 12th W

Pertburg ID 83244

Telephone Number:

(208) 356 - 3175

[] Signature(s) of Owner(s)

Bruce Mueller

part owner

(Include your title if on behalf of company or organization)

Date:

June 22 - 05

February 18, 2004

**CHUCKS CUSTOM PACK
551 N 2000 W
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11030

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 June 20, 1948, 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.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Claim no. A 2211030

Claimant Contact Log

Date	Remarks	Agent initials
2/10/04	Priority EVIDENCE REQUEST SENT	
19 May 05	parcel 06N39E23 2169 (2189?) 2188 Chuck's Custom Pack c/o Brian Mueller 391 N 12th W Rexburg ID 83440 (06N39E23 2189)	
	Same address for 06N39E23 2189	BAC
	per phone book, 356-3175	
15 June	8:40 PM 356-3175 no answer	BAC
16 June	10:25 AM 356-3175 ≈ 9 AM Wed.	
22 June 05	Field exam w/ Brian Mueller present.	BAC
23 June 05	Brian Mueller called, stated that he will be mailing an affidavit from neighbor Mr. Neville.	BAC
9/21/05	No EVIDENCE RECEIVED ⇒ DISALLOWED No Bill Found	

Contacts Data Entry Form

Water Right No. A2211030

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner Chucks Custom Pack

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

B.U. Claim

RECEIPT E001423 PAID \$54.00 NO 2 - Remarks

Recommend as claims w/ Priority Evidence. Measures

not added < 0.20 cfs

N06
N11

Mr Mueller will try to get EDP. Water use

is limited to restroom / washing of packing plant

facility. Small facility appears to usually have

2-5 workers. PAC 22 June 05

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: A2211030

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 20 June 1948 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. ClaimClaimant will try to mail EDP to Al Rubeng. Bac

Reviewer: _____

Date: _____

Water Right No(s). A 2211030



GPS DATA:

Tag # A0013644 Location: Motor box on wall above pump

Diversion Data:

Source: GW Trib to: _____

MOTOR
Make: GE Model: 5KC38PN3011 Hp: 1
SN: _____

PUMP
Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:
Sand point well inside building.

Field Exam Date: 22 June 05 Agent: Bac

Point of Diversion and Source Data Entry Form

Claim Number: A2211030

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

Source:_____ Tributary:_____

Claimed Point of Diversion: T 6N, R 39E, Sec. 23,____, SE, NE. 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 # A0013644

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

Waypoint 26 is outside building ≈ 30 ft west of POD.
2675339E 1406024N EOTM 83 PAC 22 June 05

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A2211030☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	39E	23	SE	NE	MADISON			Commercial



Document how the POU was verified:

See sketch. POU is east of Waypoint 26.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A2211030☐ 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
COMMERCIAL	1/1	12/31		

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 _____

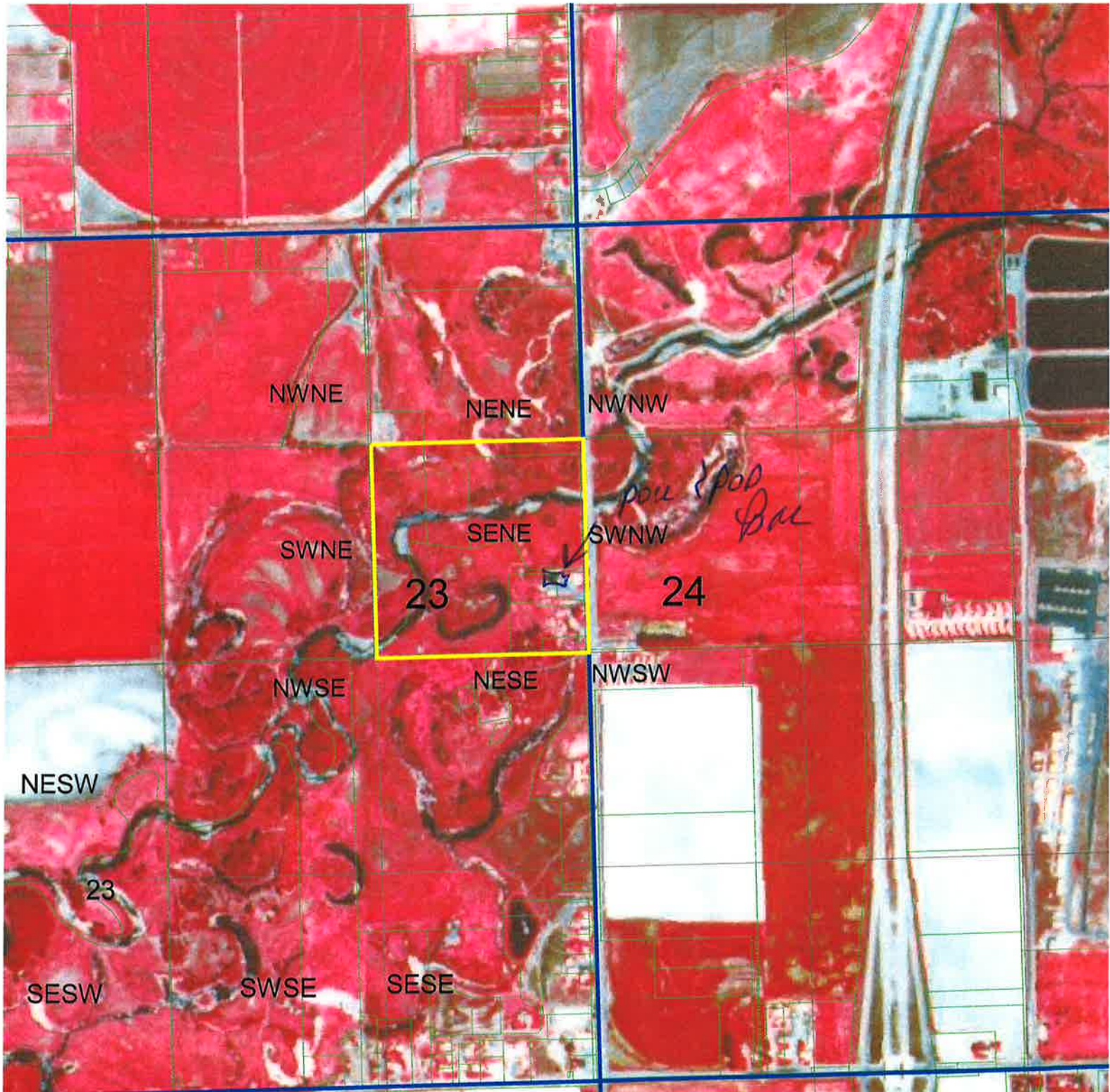
Document how the Period of Use and/or Diversion Rate were verified:

IDWR. 5th. 504 COMMERCIAL 1/1 - 12/31
USO is meat packing shop.

Reviewer: _____

Date: _____

22-11030



10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME CHUCK'S CUSCO CLAIM 1 T. NO. A22-11030DATE RECEIVED 8-11-88 CK # 2016 AMOUNT \$ 54.00

- | | YES | NO |
|--|----------|----|
| 1. Is the name and address complete with zip code? | <u>X</u> | |
| 2. Is a priority date entered? | <u>X</u> | |
| 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? | <u>X</u> | |
| (b) Is a tributary to entered? (if required) | <u>X</u> | |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | |
| 5. Is there a description of the diverting works? | <u>X</u> | |
| 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. | <u>X</u> | |
| Is the period of use included? | <u>X</u> | |
| Is a quantity claimed for each use? | <u>X</u> | |
| 7. Is a total quantity claimed entered? | <u>X</u> | |
| 8. If required is a consumptive use entered? | <u>X</u> | |
| Is the consumptive use correct? | <u>X</u> | |
| 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. | <u>X</u> | |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | |
| 11. Is (are) the county(ies) entered? | <u>X</u> | |
| 12. Is the ownership of p.u. checked? | <u>X</u> | |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | |
| 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.) | <u>X</u> | |
| 15. Is the basis of the claim indicated? | <u>X</u> | |
| 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?) | <u>X</u> | |
| Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | |
| Was this claim filed on time, or was an extension granted? | <u>X</u> | |
| Is the fee enclosed correct? | <u>X</u> | |
| If this claim is based on an existing water right, has the identification number been entered? | <u>X</u> | |
| Should this claim be receipted and data entered? | <u>X</u> | |

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NOV 06 1992

Claim checked by: _____

Comments: CODE "commercial / custom pack" - SEND LETTER REQUESTINGMORE INFO FOR ADJUDICATED CLAIM Re-telecon 4/7/89 - use info for mod packing facility - Washington & restrooms

3001423

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: A22-11030
Date Received: 8/11/1988
Receipt No: E001423
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHUCKS CUSTOM PACK 208-356-3175
Address: 551 N. 2000 W.
REXBURG, ID 83440

2. Date of Priority: JUN 20, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	39E	23	SE	NE			MADISON

5. Description of diverting works:
WELL/PUMP - 50' DEEP

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 1.5 Acre Feet Per Annum.

9. Non-irrigation uses:
C/

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	23	SE	NE		COMMER	

11. Place of use in counties: MADISON

A22-11030

Page 1

Date: 08/01/89

A2211030



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NOV 06 1992

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

13. Other Water Rights Used:
NONE

14. Remarks:

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 _____

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: 39356

Ident. Number A22-11030Date Received 8-11-1988Receipt Number E001423

RECEIVED

AUG 11 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Chuck's Custom Pack Phone (208) 356-3175
Mailing Address 551 North 2000 West, Rexburg ID Zip 83440
2. Date of Priority (Only one (1) per claim) June 20, 1948
3. Source of water supply (a) ground water
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 06N Range 39E Section 23,
SE 1/4 of NE 1/4 of _____ 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.

pump - depth - 50 feet

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from January 1 to December 31 amount .04 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1 1/2 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>06N</u>	<u>39E</u>	<u>23</u>				<u>C</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 (X)

14. Remarks:

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NOV 06 1992

Last Name Chuck's Custom Pack Ident No. _____
Mueller

Copies: White -State, Yellow-Claimant

Cops
ving purple

.04

Commercial

purposes from January 1 to December 31 amount .04 or _____

For _____ purposes from _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____ (zero fee)

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

8. Total consumptive use claimed is 1 1/2 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 use is for water use at meat packing facility*

10. Description of place of use *Water used for cleaning plant animal rooms and laboratories for employees -*

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. *per telecon 11/7/89*

per telecon 11/7/89
ES

[illegible]

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:

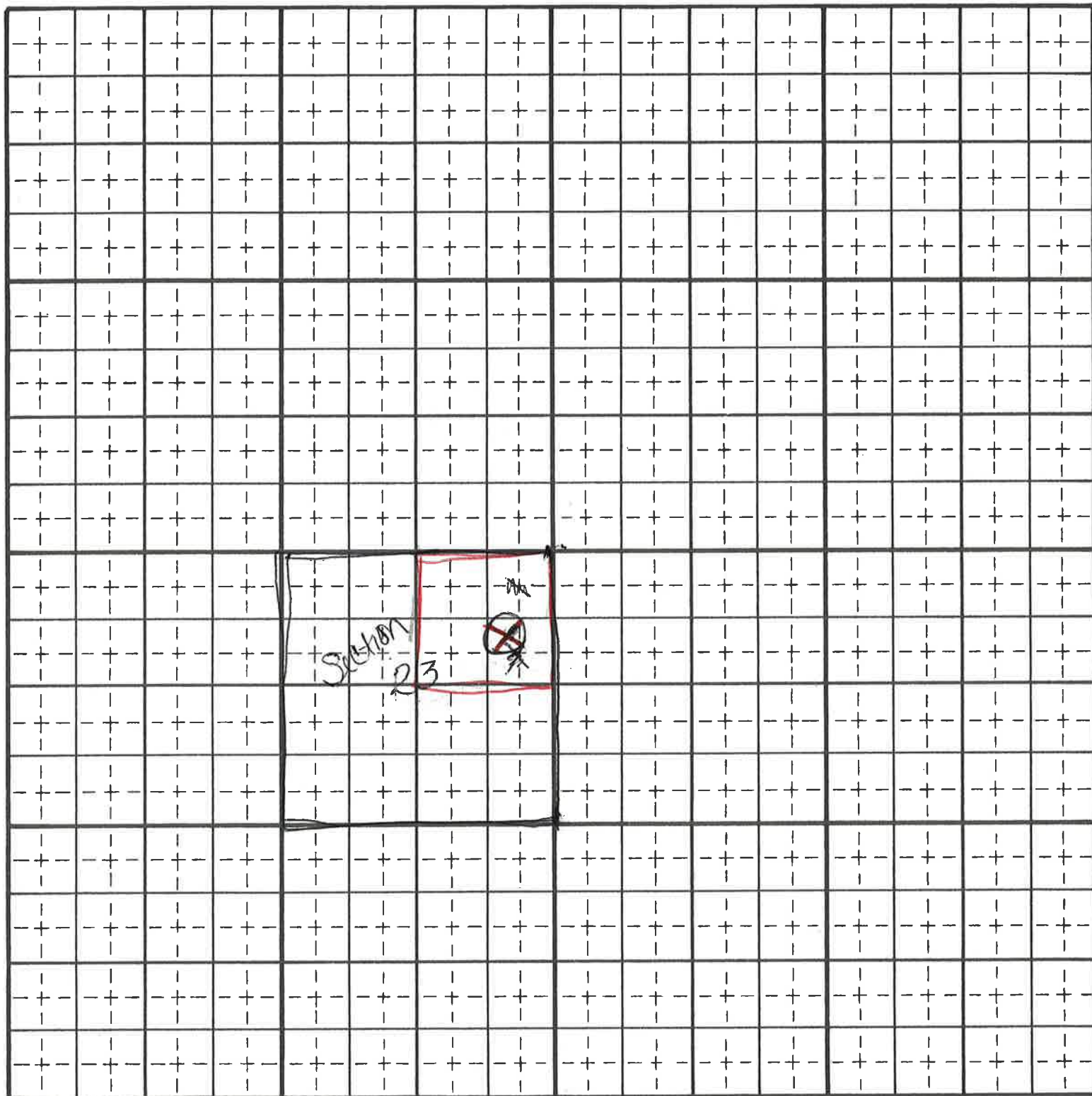
Last Name Chuck's Custom Pack Ident No. _____
Mueller

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name Chuck's Custom Pack Ident No. _____
Mueller

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NOV 06 1992

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 _____

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 CO-owner _____
Title

of Chuck's Custom Pack _____, that I have signed the foregoing
Organization

document in the space below as agent _____ of Chuck's Custom Pack _____
Title Organization

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

Signature of Authorized Agent Melodee Mueller _____

Title and Organization Chuck's Custom Pack _____ Date 8/5/88

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

Subscribed and sworn (or affirmed) before me this 5th day of August 1988

SEAL

Notary Public Janet M. Statham

Residing at Rexburg, Id.

My Commission Expires 9-23-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Melodee Mueller 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 ~~Melodee Mueller~~

Address ~~112 North 2000 East, Rexburg, ID 83440~~

Date ~~8/1/88~~

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NOV 06 1992

Last Name Chuck's Custom Pack Ident. Number _____
Mueller

Copies White-State, Yellow-Claimant