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Eastern Region

MEMORANDUM

TO: FILE NO. A22-12520

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: TRANSFER NO. 4862

DATE: August 19, 1996

=====

Transfer No. 4862 was filed to change the point of diversion and place of use under Snake River Basin Adjudication Claim No. A22-12520. The applicant is moving to a new location and wants to drill a new well at the new site. The original building will be used for storage.

Region staff confirmed the use under this claim although no final recommendations have been made at this time. Recommended conditions include non-confirmation of claim, drilling permit requirements, future measuring devices & annual reporting, diversion volume limits and standard transfer conditions.

Kathy Dosh

7N418

RECEIVED
AUG 27 2004
Department of Water Resources
Eastern Region

Newdale, Idaho
Aug. 24, 2004

Idaho Dept. of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls, Idaho 83402-1718

Re: Evidence of Priority For SRBA Water Right Claim 22-12520

Dear Sirs:

I came to Newdale, Idaho April 1, 1949 and started working with my father-in-law in the potato packing business known as Harvey Schwendiman Potatoes. At that time we were using city water. Two years later (1951) we drilled our own well. That water has been used continually by the previous and now new potato packing shed (Walters Produce, Inc) since that time. .

Warren Walters
Warren Walters
PO Box 127
Newdale, ID 83436

Tel. 208-458-4328

PROFILED

SCANNED
AUG 27 2004

Claim Number: _____

Current Owner: _____ Phone No.: _____
Current Owner: _____ Phone No.: _____
Current Owner: _____ Phone No.: _____
Name connector: and _____, or _____, and/or _____.

Relationship to Claimant: _____ Date of Field Exam: _____

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

CLAIM EVIDENCED BY TRANS #4862, 21 Aug 1946.
NO FURTHER EVIDENCE REQD.

RECOMMEND AS FOR TX #4862

Reviewer: _____ Date: _____

PROFILED

SCANNED
APR 20 2005

June 4, 2004

**WALTERS PRODUCE INC
PO BOX 177
NEWDALE ID 83436**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12520

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end 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 DEC 31 1951, from GROUNDWATER.

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.

SCANNED
APR 20 2005

PROFILED

.....
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 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,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

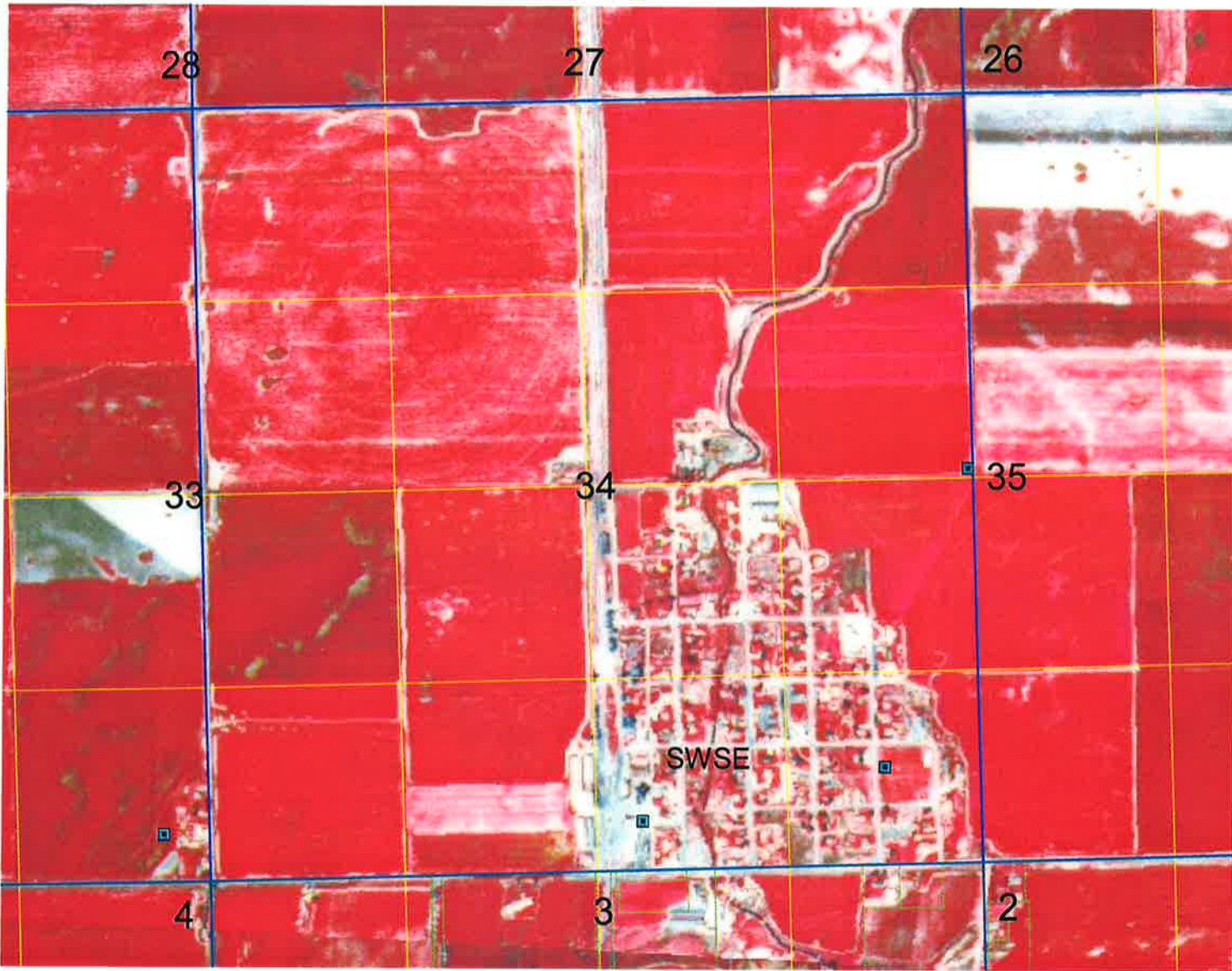
cc: File

Enclosure: Brochure on "Evidence of Priority"

SCANNED
APR 20 2005

PROFILE

22-12520
7N 41E



PROFILED

SCANNED
APR 20 2005

JUNE 19, 1996

ON-SITE EXAM - CLAIM A22-12520

I FOUND AN 18,350 SQ. FT. BUILDING DEDICATED TO FRESH PACK POTATO PROCESSING. THE WELL WAS LOCATED IN THE BUILDING AND HAS A SUBMERSIBLE PUMP. WATER IS PROVIDED TO WASH THE POTATOES AND FOR CULINARY AND RESTROOM FACILITIES FOR UP TO 55 EMPLOYEES.

THE LOCATION OF THE BUILDING AND WELL IS THE SWSWSE, SEC. 34, T7N, R41E. CLAIMANTS STATE THAT WATER SITS AT APPROXIMATELY 150 FT. DEEP AND WELL HAS A 10 HP PUMP.

SMALL PUMP THEORETICAL;

$$\frac{10 \text{ HP} \times 8.814 \times .7 \text{ EFF.}}{150 \text{ FT. LIFT} + (2.308 \times 40 \text{ PSI})} = \frac{61.698}{242.32} = 0.25 \text{ CFS}$$

APPLICANTS STATED THAT THE ORIGINAL BUILDING DATED TO THE EARLY 1900S, BUT THE WELL WAS INSTALLED IN THE EARLY 1950S.

I WOULD RECOMMEND APPROVAL OF CLAIM A22-12520.

HAROLD W. JONES
WATER RESOURCE SUPERVISOR

PROFIT

MICROFILMED
NOV 6 7 1996

SCANNED
APR 20 2005

Adj - Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4862
CLAIM NO. A22-12520

RECEIVED
AUG 28 1996
Department of Water Resources
Eastern Region

This is to certify that: **WALTERS PRODUCE INC**
PO BOX 177
NEWDALE ID 83436

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
COMMERCIAL	01/01 to 12/31	0.23 CFS

SOURCE

GROUNDWATER

Priority: 12/31/1951

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 34, Township 07N, Range 41E
FREMONT County

PLACE OF USE: COMMERCIAL

TWN RGE SEC
07N 41E 34 SESW

CONDITIONS OF APPROVAL AND REMARKS

- 046
EXP
EXP
01M
T-07
EXP
1. Approval of this transfer in no way confirms the right(s) claimed.
 2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
 3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
 4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

SCANNED

APR 20 2005

FILED

TRANSFER NO. 4862
CLAIM NO. A22-12520

CONDITIONS OF APPROVAL AND REMARKS

108
EXP

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Claim No. A22-12520 is limited to the total annual diversion volume developed at the original place of use as confirmed through the Snake River Basin Adjudication.
8. Commercial use is for a fresh pack potato processing facility.
9. Place of use is located within Lots 1-7, Block 1, Newdale.

PURPOSE

Dated this 21st day of August, 1996

J. Blum Santor
Chief, Water Alloc. Bureau

FILED

SCANNED

APR 20 2005

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 22-12520

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant

WALTERS PRODUCE INC
PO BOX 177
NEWDALE, ID 83436
(208)458-4105

Priority Date: 06/12/1903
Basis: Decreed/License
Status: Active

Ground Water Fall River

Snake River

COMMERCIAL

01/01 12/31 0,23 CFS

Volume

Total Diversion

0.23 CFS

Location of Point(s) of Diversion:

GROUND WATER SESW Sec. 34 Township 07N Range 41E FREMONT County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL FREMONT County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	41E	34		SESW										

Remarks: This water right includes the right to divert water which is recovered ground water resulting from recharge for irrigation and/or water resulting from irrigation under the Enterprise Irrigation District irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

1. C18 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.

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed/License

Signature(s)

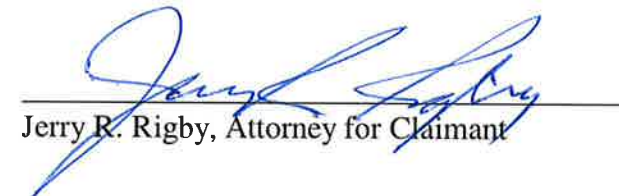
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the foregoing document are true and correct.

DATED this 17th day of August, 2010.

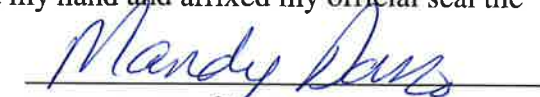

Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

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: A22-12520
Date Received: 1/31/1989
Receipt No: E005646
Received By: TO

*#7300 rec'd L.O.
CHECK #2437*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALTERS PRODUCE INC. 208-458-4451
Address: BOX 177
NEWDALE, ID 83436

2. Date of Priority: DEC 31, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	41E	34	SW	SW	SE		FREMONT

A2212520



5. Description of diverting works:
WELL/PUMP APPROX 200' DEPTH - 10 H.P - 8" CASING - 2.5" PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.230		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/POTATO WAREHOUSE FOR WASHING, AND OTHER COMMERCIAL USES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	41E	34	SW	SE		COMMER	

11. Place of use in counties: FREMONT

A22-12520

Page 1

Date: 01/31/89

FILED

SCANNED
APR 20 2005

MICROFILMED
NOV 07 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 X 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 President of
Title
Watters Produce Inc., that I have signed the foregoing
Organization
document in the space below as President of
Title
Watters Produce Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Harold J. Watters
Signature of Authorized Agent
Pres. Watters Produce Inc.
Title and Organization
Jan 31, 1989
Date

State of Idaho
County of Bonneville } SS.

Subscribed and sworn (or affirmed) before me this 31st day
of January 19 89

Anthony A. Olschick
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 9/12/1994
2 Date: 01/31/89

PROFILED

APR 20 2005

MICROFILMED

NOV 6 7 1984

