

07/15/2004

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

RIGHT NUMBER: 25-11825

NAME AND ADDRESS: ROLAND L WALKER
PO BOX 129
MENAN ID 83434-0129

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.300 CFS
11.500 AFY

PRIORITY DATE: 11/18/1955

POINT OF DIVERSION:

T05N R38E S33 NWSW Within JEFFERSON County
T05N R38E S33 NWSW Within JEFFERSON County
T05N R38E S33 NWSW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
COMMERCIAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.300 CFS
11.50 AFY

PLACE OF USE: COMMERCIAL Within JEFFERSON County

T05N R38E S33 NWSW

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: Beneficial Use

Commercial use is for potato processing and culinary use for employees.

Water Right 25-11825

SCANNED

OCT 29¹ 2004

PROFILED

CLAIM # A25-11825

FOR: WALKER PRODUCE

P.O. Box 129

Menan, ID 83434

AFFIDAVIT

DATE: 21-Oct-2003

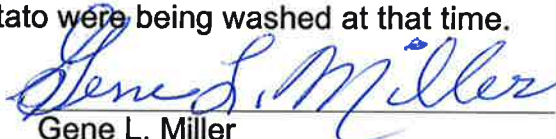
RECEIVED
NOV 06 2003

Department of Water Resources
Eastern Region

Know All Men By These Presents:

That I the undersigned hereby declare from personal knowledge that the potato warehouse now known as Walker Produce Co. Inc., in Menan, Idaho was using water to wash potatoes for packing in the year 1947 when I worked as an employee there.

The original potato warehouse was built by Green Brothers and was operating as Green Brother Produce in 1947 when I worked as an employee for them. I also started farming that same year and sold my first potato crop to Green Brothers. The potato were being washed at that time.


Gene L. Miller

3674 E. Menan-Lorenzo Hwy.
Menan, Idaho 83434

State of Idaho)

S.S.

County of Jefferson)

On this 21st day of October, in the year of 2003, before me a notary public, personally appeared Gene L. Miller personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.




Notary Public

My Commission Expires on 11 Sept. 2009

SCANNED

OCT 29 2004

FILED

25-11825

Volume Calculations

A0008760

$$210 \text{ DAYS} \times \frac{8 \text{ HR}}{\text{DAY}} \times \frac{60 \text{ MIN}}{\text{HR}} \times \frac{31 \text{ GAL}}{\text{MIN}} = 3,124,800 \text{ GAL/YR}$$

A0008761

$$210 \text{ DAYS} \times \frac{1795 \text{ GAL}}{\text{DAY}} = 376,950 \text{ GAL/YR}$$

A0007707

$$45 \text{ EMPLOYEES} \times \frac{25 \text{ GAL}}{\text{DAY}} \times 210 \text{ DAYS} = 236,250 \text{ GAL/YR}$$

$$4 \text{ EMPLOYEES} \times \frac{25 \text{ GAL}}{\text{DAY}} \times 102 \text{ DAYS} = 10,200 \text{ GAL/YR}$$

3,748,200 GAL/YR

= 11.5 AFA

SCANNED

OCT 29 2004

PROFILED

9/18/2003

25-11825

#2

A0008760
P/D 060
N 292756
E 660941

N 292760 } corrected location
E 660941 }

GPS pt. taken 4 meters S of well

Installed ABQ OMTR road 50 GAL in 97 sec, operating

31 GPM

agray meter for potato wash 8 hrs/day.

#3

A0008761 is 30' N of A0008760.

This pump fills pump once a day for potato wash.
Pump dimensions are 12' x 5' x 4' at the base.

30 minutes to fill pump.

$$240 \text{ FT}^3 \times 7.4805 = 1795 \text{ GAL} = \frac{30 \text{ MIN}}{60 \text{ GPM}}$$

"Domestic"

A0007707 is 27 meters N and 10 meters E of A0008760.
This well is for watering use only for up to 45 sample years.

All 3 pumps are 2 HP.

$$Q = \frac{2(8.814)(0.70)}{10 + (2.31 \times 40)} = 0.12 \text{ cfs}$$

54 GPM

7/15/2004

For interview with secretary, please

return 8 mos/yr, 6 days/week, 12 hrs/day.

Wfor pressure not running this and

24 employees @ 2000 hrs/yr.

PROFILED

SCANNED

OCT 29 2004

25-11825

from WMS:

A0007707 TAG ON PIPE TO PRESSURE TANK
P/D N 292822.90
3/4 HP PUMP
"DOMESTIC"

A0008760 WELL IN SOUTH END OF BLDG
P/D N 292754.20
TAG NR QMTR
"WELL 2"

A0008761 "WELL 3" TAG NR QMTR
<MINE ROUNDS INDICATED THAT THIS WELL WAS
30 FT NORTH OF A0008760.

GARY MILLER 754-4700 (c) 589-2688
BLAIR WALKER (c) 589-3276

9/18/03 up to 45 employees
talked to Blair & Gary re: EOP

SCANNED

OCT 29 2004

PROFILED

COPY

GENERAL POWER OF ATTORNEY

I, Roland L. Walker, of Jefferson County, State of Idaho, designate and appoint Roland N. Walker of Jefferson County, State of Idaho, as my attorney in fact and agent (subsequently called "agent") to act in my name and for my benefit. I grant to my agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

1. General Grant of Power.

My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, relating to any person, matter, transaction or property, real or personal, tangible or intangible, now owned or hereafter acquired by me, including, without limitation, the powers specifically enumerated in this instrument. Generally, my agent shall have power to do and perform all matters, transact all business, and make, execute and acknowledge all contracts, orders, deeds, mortgages, leases, assignments, assurances, and instruments of every kind which may be requisite or proper to effectuate the purposes of this general power of attorney.

2. Specific Powers.

Without in any way limiting the generality of the power and authority conferred upon my agent by this instrument, my agent shall have and may exercise each of the following specific powers:

(a) Power to Acquire and Sell. To acquire, purchase, exchange, grant options to sell, assign, release, convey, mortgage, hypothecate, lease and accept and take possession of real and personal property and interests therein, both tangible and intangible, upon such terms, conditions and covenants as my agent shall deem proper and to sign, seal, execute and deliver and acknowledge such deeds, leases, contracts, assignments, indentures, agreements, mortgages, deeds of trust, bills of sale, security agreements and related forms, exchange agreements, bills, bonds, notes, receipts, releases and satisfactions of mortgages, security interests and judgments and such other instruments in writing as shall be proper.

(b) Borrowing and Banking Powers. To borrow moneys on my behalf and to sign, seal, execute, deliver and acknowledge on my behalf such promissory notes, bills, bonds, or other evidence of indebtedness and such mortgages, deeds of trust, security agreements, pledges, or other documents to secure the payment of borrowed funds as my agent shall deem proper. To make, receive and endorse checks and drafts, deposit and withdraw funds, acquire and redeem certificates of deposit, in banks, savings and loan associations and other financial institutions, and to release such mortgages, deeds of trust, or other security instruments as may be necessary or proper in the exercise of the rights and powers herein granted.

(c) Powers of Collection and Payment. To forgive, request, demand, sue for, recover, collect, receive and hold all sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devises, notes,

interests, stock certificates, bonds, dividends, certificates of deposit, annuities, pension, profit sharing, retirement, social security, medicare, insurance, and other contractual benefits and proceeds, all documents of title, all property and property rights, real or personal, intangible and tangible, and demands whatsoever, liquidated or unliquidated, now or hereafter owned by, or due, owing, payable or belonging to me, or in which I have or may hereafter acquire an interest; to have, use, and take all lawful means and equitable and legal remedies and proceedings in my name and for the collection and recovery thereof including the enforcement of mortgages, deeds of trust and security instruments, and to adjust, sell, compromise, and agree for the same, and to execute and deliver for me, on my behalf, and in my name, all endorsements, releases, receipts or other sufficient discharges for the same. To pay and discharge all debts and demands due and payable or which may hereafter become due and payable by me to any person or persons whomsoever.

(d) Management Powers. To maintain, repair, improve, invest, manage, insure, rent, lease, encumber, partition and in any manner deal with any real or personal property, tangible or intangible, or any interest therein, that I now own or may hereafter acquire, upon such terms and conditions as my agent shall deem proper, and to transfer any or all of my assets to the trustee of any revocable living trust which I may have created.

(e) Motor Vehicles. To apply for a certificate of title upon, and endorse and transfer title to, any motor vehicle, and to represent in such transfer assignment that the

title to said motor vehicle is free and clear of all liens and encumbrances except those specifically set forth in such transfer assignment.

(f) Business Interests. To conduct or participate in any lawful business of whatever nature; to execute partnership agreements and amendments thereto; to incorporate, reorganize, merge, consolidate, recapitalize, sell, liquidate or dissolve any business; to elect or employ officers, directors and agents; to carry out the provisions of any agreement for the sale of any business interest or the stock therein; and to exercise voting rights with respect to stock, either in person or by proxy, and exercise stock options.

(g) Tax Powers. To prepare, sign and file joint or separate income tax returns or declarations of estimated tax for any year or years; to prepare, sign and file gift tax returns with respect to gifts made by me for any year or years; to consent to any gift and to utilize any gift-splitting provision or other tax election; and to prepare, sign and file any claims for refund of any tax.

(h) Safe Deposit Boxes. To have access at any time or times to any safe deposit box rented by me, wheresoever located, and to remove all or any part of the contents thereof, and to surrender or relinquish said safe deposit box, and any institution in which any such safe deposit box may be located shall not incur any liability to me or my estate as a result of permitting my agent to exercise this power.

3. Revocability.

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company,

insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my agent and delivered to such person or institution.

4. Third-Party Reliance.

Third parties may rely upon the representations of my agent as to all matters relating to any power granted to my agent, and no person who may act in reliance upon the representations of my agent or the authority granted to my agent shall incur any liability to me or my estate as a result of permitting my agent to exercise any power.

5. Successor Agent.

In the event my agent dies or is determined by a court of competent jurisdiction to be incapacitated, I designate Dorothy M. Walker as his successor to act as my agent with all of the powers referred to herein.

6. Expiration.

Unless sooner revoked in the manner above proved, this General Power of Attorney shall expire at midnight

on July 16, 1990.

7. Counterparts and Photographic Copies.

This General Power of Attorney is executed in two (2) counterparts. Each executed counterpart and any photographic copy of this General Power of Attorney shall have the force and effect of the original.

8. Interpretation.

This instrument is to be construed and interpreted as a general power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my agent.

9. Disability of Principal.

This General Power of Attorney shall not be affected by disability of the principal.

10. Governing Law.

This General Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

IN WITNESS WHEREOF, I have executed this General Power of Attorney this 7th day of February, 1983.

Roland L. Walker
Roland L. Walker

STATE OF IDAHO)
County of Bonneville) ss.

On the 7th day of February, 1983, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared ROLAND L. WALKER, known or identified to me to be the person whose name is subscribed to the within General Power of Attorney 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.

Ronald L. Smith
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: Life

(seal)

May 1, 1991

Roland Walker
P.O. Box 129
Menan, ID 83434

RE: Evidence of Priority

Dear Mr. Walker:

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

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

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

MICROFILMED
NOV 11 1992

Roland L. Walker

Page 2

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

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

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-11825
(DBA) WALKER PRODUCE CO., INC.
ROLAND L WALKER
PO BOX 129
MENAN ID 83434

A25-04282
ROLAND L. WALKER
P.O. BOX 129

MENAN ID 83434

MICROFILMED
NOV 11 1992

SCANNED

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A25-11825
Date Received: 12/ 1/1988
Receipt No: E004836
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: (DBA) WALKER PRODUCE CO., INC. 208-754-4696
Address: ROLAND L WALKER
PO BOX 129
MENAN, ID 83434

2. Date of Priority: NOV 18, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	38E	33	NW	NW	SW		JEFFERSON

5. Description of diverting works:
3 WELLS/WAREHOUSE;RESTROOMS,OFFICE,POTATO WASH/MOVING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.300		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/POTATO WASH, MOVING, RESTROOMS, AND OFFICES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	38E	33	NW	SW		COMMER	

11. Place of use in counties: JEFFERSON

A25-11825

Page 1

Date: 02/07/91

MICROFILMED
NOV 11 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 A25-11825
Date Received 11-30-88
Receipt Number E004836

25
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

NOV 30 1988
Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Roland L Walker dba
Walker Produce Co., Inc. Phone (208) 754-4696

Mailing Address PO Box 129 Mevas Idaho Zip 83434

2. Date of Priority (Only one (1) per claim) November 18, 1955

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

4. a. Location of existing point of diversion is: Township 5N Range 38E Section 33,
NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Jefferson

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Three wells to warehouse (potato)
with restrooms office facilities and potato processing washing and
moving



MICROFILMED
NOV 11 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from 1/1 to 12/31 amount 30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 30 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) C/potato washing and moving, restrooms + offices

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	
5N	38E	33										C							

Total number of acres irrigated _____

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

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

MICROFILMED

NOV 11 1992

Last Name Walker, R. Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Points of diversion and
Place of use

157 R38E

A 15x15 grid of squares, each containing a crosshair. A handwritten '33' is in the top right. A circled 'X' is at row 3, column 5, with an arrow pointing to it from the top right.

MICROFILMED
NOV 11 1992

Last Name

Walker, R

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) [Signature] Date 11/29/88

☒ **For Organizations:** I do solemnly swear or affirm that I am [Signature] Title Pres.
of Walker Produce Co. Inc. Organization, that I have signed the foregoing
document in the space below as President Title of Walker Produce Co. Inc. Organization
and that the statements contained in the foregoing document are true and correct.

☒ Signature of Authorized Agent [Signature]
Title and Organization President, Walker Produce Co. Inc. Date 29 Nov 88

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

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

SEAL

Notary Public Penny Snyder

Residing at Menan Id

My Commission Expires 5/3/91

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 _____

MICROFILMED
NOV 11 1992

Last Name Walker, R Ident. Number _____

Copies White-State, Yellow-Claimant