

04/19/2004

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

RIGHT NUMBER: 25-12178

NAME AND ADDRESS: MENAN PRODUCE INC
PO BOX 77
MENAN ID 83434

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
8.300 AFY

PRIORITY DATE: 11/01/1953

POINT OF DIVERSION:

T05N R38E S33 SWSWNW Within JEFFERSON County
T05N R38E S33 SWSWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.060 CFS 7.80 AFY
DOMESTIC	01/01 12/31	0.040 CFS 0.50 AFY

PLACE OF USE: INDUSTRIAL Within JEFFERSON County

T05N R38E S33 SWNW

DOMESTIC Within JEFFERSON County

T05N R38E S33 SWNW

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

PROFILED

Water Right 25-12178

SCANNED

1

OCT 29 2004

PRIVATE

Stock

Lewisville Idaho
July 3, 2003

To Whom It May Concern:

Brent Call has asked that I review the time the water wells were put in Manan Produce bldg. to my recollection Manan Produce was built in 1945-1946 by Sid Brown. One pump was installed at that time of approximately 2 H.P. In 1950 Manan Produce was purchased by John T. Poole, (Rulon Jones), for Tucker and Preston Ellsworth. In 1952 I bought in as a partner replacing for Tucker. In 1953 we updated our equipments and enlarged the warehouse. I installed an additional 3 H.P. pump to meet the water required at that time to wash and clean the potatoes. To my knowledge and Mr. Call's no water have been added since.

Sincerely,
Elmer R. Ellsworth

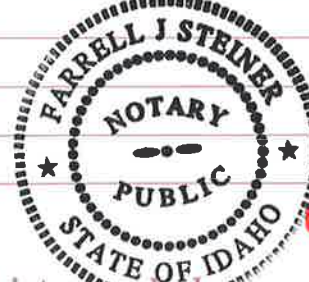
SUBSCRIBED AND SWORN BEFORE ME

FARRELL STEINER

BOYDEVILLE COUNTY, IDAHO

JULY 3, 2003

EXPIRES 11/22/07



SCANNED
OCT 29 2004



Printcraft

From the Full Color Process Printer ... who knows your needs!

PROFILED

9/25/2003

25-12/78

met with Brent call. Brent said they had not processed potatoes there for 3 or 4 years. The secretary told me a few days earlier that it had not run in about 10 years.

Brent said there are 2 sand point wells, one in each end of the building. The water level is about 5 feet. One well is for culinary use for up to 35 employees. The 3HP pump is for potato wash.

Q estimated as follows:

$$Q = \frac{3 \text{ HP} \times 8.814 \times 0.60}{5' + (2.31 \times 45) + 10'} = 0.13 \text{ cfs}$$

Brent said operating pressure ranged from 30-60 psi. When operating, the pressure runs from 70 or 80 psi for 40 hrs / week. The rest of the year is simply culinary use for 3 or 4 employees.

P/D

132

North well N 293070 E 660926

133

North well N 293101 E 660931

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OCT 29 2004

PROFILED

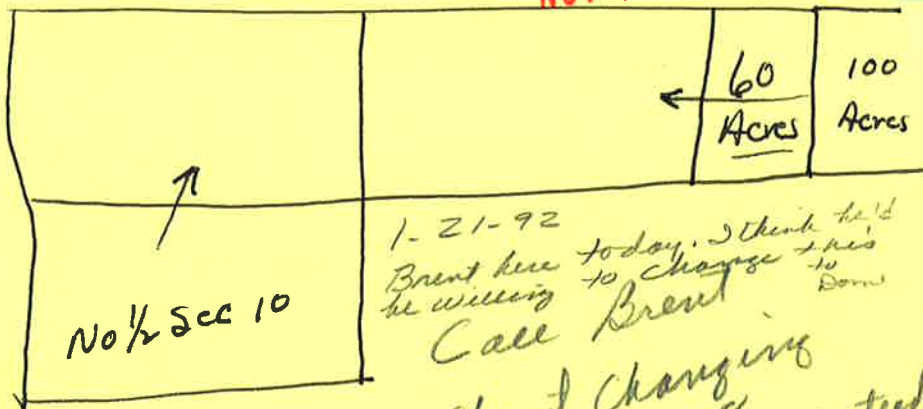
VOLUME CALC.

$$\begin{array}{rcl} 25 \text{ GPD} \times 35 \text{ EMPLOYEES} \times 195 \text{ DAYS} & = & 170625 \\ 25 \text{ GPD} \times 4 \text{ EMPLOYEES} \times 65 \text{ DAYS} & = & 6500 \\ \hline & & 177125 \text{ GAL} \end{array}$$

$$39 \text{ WKS} \times 40 \text{ HRS/WK} @ 0.06 \text{ CFS} = \underline{7.74 \text{ AF}}$$

8.3 AFA

SCANNED MICROFILM
AUG 03 2001 NOV 11 1992



SCANNED

OCT 29 2004

PROFILED

May 1, 1991

Menan Produce, Inc.
P.O. Box 77
Menan, ID 83434

RE: **Evidence of Priority**

Dear Sir:

The Notice of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is 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 Notice 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 Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

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NOV 11 1992

Menan Produce, Inc.

Page 2

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. 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

A25-12178
MENAN PRODUCE, INC.
P.O. BOX 77

MENAN

ID 83434

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NOV 11 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: January 10, 1989

Menan Produce
Box 77
Menan, ID 83444

RE: Water Right Claim Returned

Dear Sir:

The Idaho Department of Water Resources (IDWR) is returning your check #6487 (\$25.00) and Notice of Claim to a Water Right because of insufficient information. All items on the claim form must be correctly completed and fees submitted before the IDWR can process the claim.

Please correct the items identified below and return the forms to the IDWR within 45 days of the date of this letter. Failure to submit the required information and filing fees within this 45-day period may result in an assessment of a late-fee.

- The "long" form must be completed for Industrial water right claims instead of the "short" form you submitted. I have enclosed a long form with a set of instructions for you to complete. The information required should be identical to the information you submitted previously.
- The filing fee for the "long" form is \$50.00 plus \$100.00 per cfs claimed for industrial and domestic purposes in connection with a business or commercial establishment. The total filing fee is \$60.00.

If you have any questions, please call the IDWR at (208)-525-7161.

Sincerely,

Tony Olenichak
Water Rights Agent, SR

Enclosure

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10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME MENAN PRODUCE

CLAIM I. NT. NO. A25-12178

DATE RECEIVED 11/23/88

CK # _____

AMOUNT \$ _____

1. Is the name and address complete with zip code?

YES

NO

2. Is a priority date entered?

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?

(b) Is a tributary to entered? (if required)

N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

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.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

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.

N/A

10. Is (are) the place(s) of use entered?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

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.)

N/A

15. Is the basis of the claim checked?

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?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct? Exempt _____

If this claim is based on an existing water right, has the identification number been entered?

N/A

Should this claim be receipted and data entered?

Claim checked by: _____

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Comments: _____

AUG 03 2001

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: A25-12178
Date Received: 11/23/1988
Receipt No: E005688
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MENAN PRODUCE, INC.
Address: P.O. BOX 77
MENAN, ID

208-754-4641

83434

2. Date of Priority: JAN 01, 1930

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
TWO 25' WELLS (EST.) WITH 3 HP AND 1.5 HP CENTRIFICAL PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.060		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 I/POTATO WAREHOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	38E	33	SW	NW		DOMEST	
			SW	NW		~~STOCK~~	
						INDUSTR (XK)	

A25-12178

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Date: 08/04/89

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NOV 11 1992

A2512178



11. Place of use in counties: JEFFERSON

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 _____

NO LATE FEE IF RECEIVED

BY 2/24/88IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A25-12178Date Received 11/23/88Receipt Number E005688NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB - 3 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Menan Produce, Inc. Phone (208) 754-4641
Mailing Address P.O. Box 77 Menan, Idaho Zip 834342. Date of Priority (Only one (1) per claim) January 1, 19303. Source of water supply (a) Wells (2) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 5 North Range 38 EMB Section 33,
S W 1/4 of S W 1/4 of N W 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. 2, 25 foot wells, estimated depth

(1) 3 Horse Power Centrifical Pump

(1) 1 1/2 Horse Power Centrifical Pump

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Industrial purposes from Jan. 1 to Dec. 31 amount .06 or _____
For Benificial purposes from Jan. 1 to Dec. 31 amount .04 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .10 (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.) Potato Warehouse

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	38EMB	33							D&I										

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 XX 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: None

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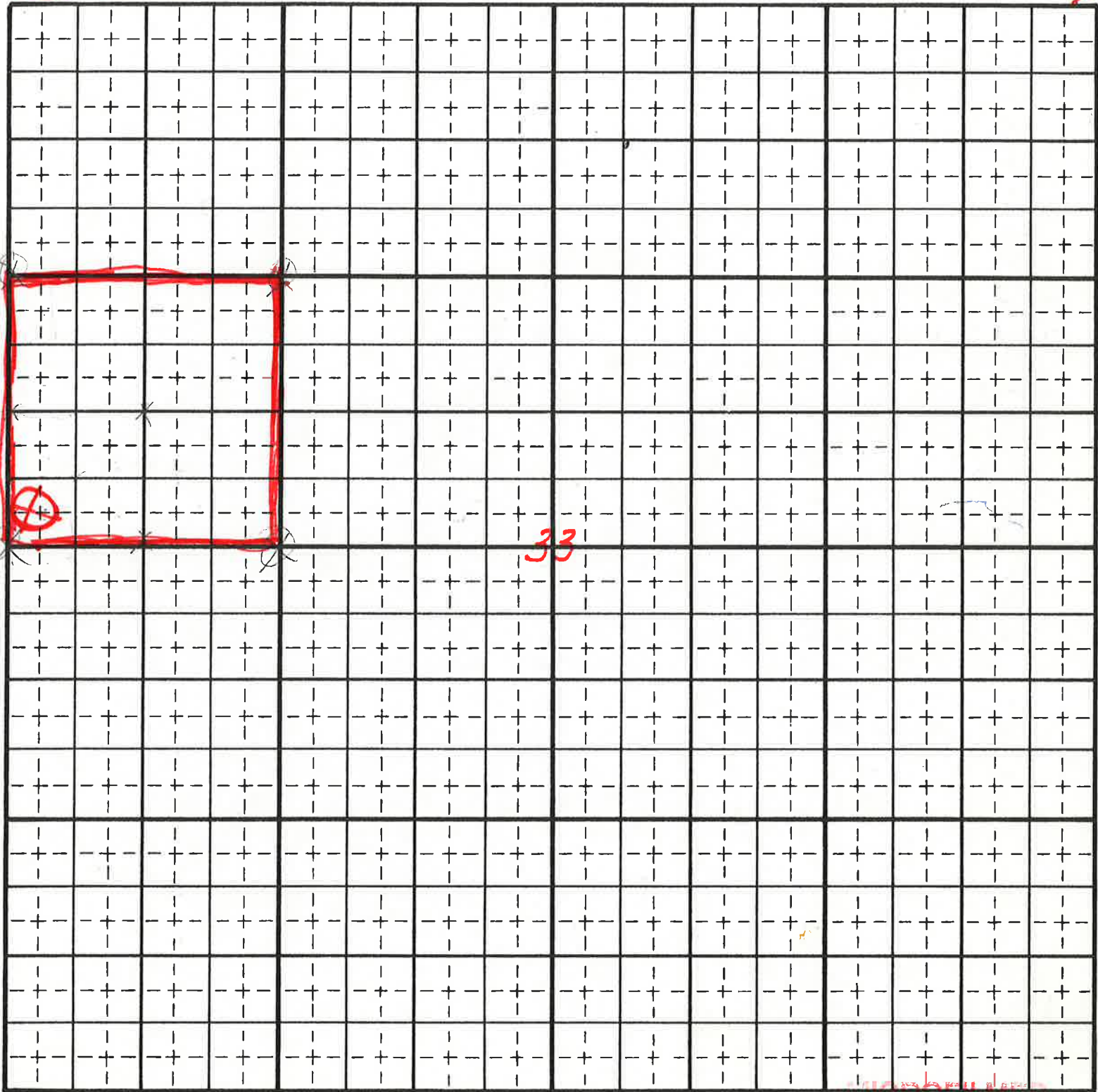
Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: ~~2~~ ⁸ inches equals 1 mile

^{N ↑}
Section 33



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NOV 11 1992

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use XX 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 XX 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 _____ President _____

_____ Title _____
of _____ Menan Produce, Inc. _____, that I have signed the foregoing
Organization
document in the space below as _____ President _____ of _____ Menan Produce, Inc. _____
Title Organization

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

Signature of Authorized Agent Bren Hall

Title and Organization President Date 1/23/89

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

Subscribed and sworn (or affirmed) before me this 23rd day of January 19 89

SEAL

Notary Public Gary D. Walker

Residing at Menon

My Commission Expires June 16, 1992

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 _____ Ident. Number _____

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Copies White-State, Yellow-Claimant