

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: A36-10983
Date Received: 1/12/1989
Receipt No: 5006214
Received By: Adm

RECEIVED

JAN 25 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERRILL POULTRY FARM 208-438-4605
Address: HIGHWAY 25
PAUL, ID 83347

AND/OR

Name: LLOYD MERRILL 208-438-4605
Address: HIGHWAY 25
PAUL, ID 83347

2. Date of Priority: APR 12, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	23E	28	SW	SW	SE		MINIDOKA

5. Description of diverting works:

6 SANDPOINTS INTERCONNECTED TO SUPPLY HATCHERY BLDG. & TRUCK SHOP

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:

0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

S/1 HATCHERY, C/1 REPAIR SHOP.

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	23E	28	SW SE		COMMER	

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:
SHARES OF MINIDOKA IRR. DIST. WATER.

15. Basis of Claim: BENEFICIAL USE

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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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Thyl Truitt Date: 1-16-89

Date: _____

State of Idaho)
County of MINIDOKA) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of JANUARY 1989

Seal

Lee H. Merrill
Notary Public

Residing at Paul Mabo

My Commission Expires 3-26-91

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 Organizations:

I do solemnly swear or affirm that I am PRESIDENT of
Title
MERRILL'S POULTRY FARM, INC., that I have signed the foregoing
Organization
document in the space below as PRESIDENT of
Title
MERRILL'S POULTRY FARM, INC. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

PRES. MERRILL'S POULTRY FARM, INC.
Title and Organization

1-16-89
Date

State of Idaho)
County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of JANUARY 19 89

[Signature]
Notary Public

Seal

Residing at PAUL, IDAHO
My Commission Expires 3.26.91



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

02-Nov-1990 09:35

Merrill's Poultry Farm & Hatchery
Attn: Lee W. Merrill
Route 2
Paul, ID 83347

RE: A36-10974, 10975, 10976, 10981, 10982 & 10983

Dear Mr. Merrill:

In response to your letter dated October 22, 1990 regarding providing supporting evidence of the priority dates for the above referenced claims, please consider the following definition of domestic/stock inwhich the evidence is not required:

DOMESTIC USES MEANS: A. The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or B. Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

*** For purposes of filing adjudication claims on the short form inwhich the evidence is not required domestic use shall not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection B. as listed above.

Your claims are presently recorded for the following:

A36-10974	0.04 cfs	Commercial Use	3 Brooder Houses
A36-10975	0.05 cfs	Commercial Use	Office, egg room, 4 Coops
A36-10976	0.09 cfs	Commercial Use	1 House & 5 Coops
A36-10981	0.07 cfs	Commercial Use	1 House & 3 poultry houses
A36-10982	0.13 cfs	Commercial Use	12 poultry houses
A36-10983	0.06 cfs	Commercial Use	Hatchery & Truck Shop

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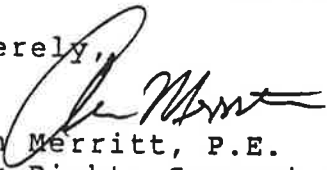
OCT 20 1994

Page 2
Merrill 11/02/90

At present since all claims are for commercial uses where there is not a limitation on cfs or daily volume under the definition we will require the evidence of priority. If you wish to amend your claims to conform to the above definition of domestic/stock and be able to live with the associated limits then the evidence of priority will not be required.

If you have question or need assistance in amending anyone of the above claims please feel free to contact our office.

Sincerely,



Allen Merritt, P.E.
Water Rights Supervisor

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OCT 20 1994

SHAYER



MERRILL'S POULTRY FARM AND HATCHERY

PHONE 438-4605 • ROUTE 2 • PAUL, IDAHO 83347

October 22, 1990

State of Idaho
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Ref: A36-10974, 10975, 10976, 10981-2-3

Dear Sirs:

With respect to the letter received recently concerning evidence supporting the priority dates we have claimed, I note in the booklet that small domestic and stockwater claims do not ordinarily need such proof.

In looking through the forms, I note the ones listed above are marked commercial even though they are technically stockwater claims. None of them are for irrigation uses, and none of them require a great volume of water.

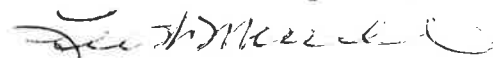
- A36-10974 - Water supply for 3 poultry brooder houses
- A36-10975 - 2 Sandpoints serving 4 coops, office, & egg room
- A36-10976 - 2 Wells serving residence & 5 poultry houses
- A36-10981 - Well, serving house and 3 poultry houses
- A36-10982 - Sandpoints serving 12 poultry houses
- A36-10983 - Sandpoints serving Hatchery bldg. & repair shop

Is it necessary to submit evidence of priority for these claims? We received help in filling out these forms and hoped they were adequate. We realize that your assignment is to do all that is necessary to protect our water rights and we will try to comply with necessary items.

We will appreciate hearing from you on this matter.

Respectfully,

MERRILL'S POULTRY FARM, INC.


Lee W. Merrill, Bookkeeper

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OCT 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

A36-10983
MERRILL POULTRY FARM
JULY 25

PAUL

TO 00747

Dear Claimant(s):

In the past you submitted the claim(s) identified with the number(s) shown above your name and address at the top of this letter. You indicated on the claim(s) that the basis for establishing the water right(s) was Beneficial Use, meaning the water right was not previously confirmed by a decree, water right license or permit before you filed the claim(s).

The purpose of this letter is to request evidence supporting the priority date(s) you have claimed. The enclosed pamphlet describes what this means. While I encourage you to read all of the pamphlet, I direct your attention to the right-hand half of the pamphlet after you open it. There you will find two sections: What Kind of Evidence is Required, and Some Examples of Documents which May Be Evidence of the Priority Date. These sections tell you what must be submitted. The other sections tell you why the evidence is necessary and what the consequences of not submitting the evidence could be.

Please submit the requested evidence by November 1, 1990. When returning to the Department please reference all documents with the claim(s) identification number(s) listed above.

If you have questions not addressed by the pamphlet or need other technical assistance, please feel free to contact this office. For advice on your water right(s), please contact your attorney.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

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NOV 28 1990

Department of Water Resources
Southern Region Office

MERRILL'S POULTRY FARM AND HATCHERY

PHONE 438-4605 • ROUTE 2 • PAUL, IDAHO 83347

November 23, 1990

State of Idaho
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Dear Sirs:

This statement is submitted as evidence supporting the priority dates claimed in our previously filed applications.

My father, John C. Merrill, purchased the farm where the water rights are claimed are used in 1928. The deeds for this and the adjacent property which have been purchased as our business has expanded are recorded in the Minidoka County Recorder's office.

As our operation increased and the need for more poultry houses for laying hens developed, the original well became inadequate to supply the stockwater needed, and additional sandpoints were installed.

As of June 13, 1937, an additional well, covered under No. ~~A36-10974, 10975, 10976, 10981-2-3~~ **A36-10981**, was drilled to provide water for the home and three poultry houses which had been constructed.

As of June 27, 1940, two additional wells were required to serve the residence on the adjacent property which we had purchased and five additional poultry houses which were being placed in use. This is **A36-10976**.

As of October 9, 1968, two additional sand points were needed to serve the new office, egg room, and four poultry houses. **A36-10975**.

In April, 1974, a new hatchery building was completed across the Highway on property purchased from Cenex, formerly the United Co-op, which had belonged to M. E. Watson. Six sandpoints interconnected to supply this building and an anticipated shop to maintain our own trucks were drilled. This is No. **A36-10983**.

In May, 1985, on property purchased adjacent to my daughter and son-in law, we provided two sand point wells to provide water for three brooder houses, constructed there to separate our brooder houses from those used for laying hens. These are covered under **A36-10974**.

In June, 1985, we installed four additional sandpoints interconnected to serve twelve brooder houses. These are listed on No. **A36-10982**.

This is in the nature of a history of our operation providing for expansion from our early small hatchery to the present one. All of the water is used for either domestic or stockwater for our chickens.

FEB 07 1993

SHAYER



MERRILL'S POULTRY FARM AND HATCHERY

PHONE 438-4605 • ROUTE 2 • PAUL, IDAHO 83347

Idaho Department of Water Resources - Page 2

In no instance will our use of water come anywhere near what a regular livestock feeding operation would use. We feel that this information should provide sufficient evidence of the time when our beneficial use of the water commenced to justify our claim.

If this is not sufficient, please let us know what else we need to do.

Thank you for your attention to this matter.

Respectfully,

MERRILL'S POULTRY FARM, INC.

A handwritten signature in cursive script that reads 'Loyd C. Merrill'.

Loyd C. Merrill, President

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NOV 28 1990

Department of Water Resources
Southern Region Office

MERRILL'S POULTRY FARM AND HATCHERY

PHONE 438-4605 • ROUTE 2 • PAUL, IDAHO 83347

November 23, 1990

State of Idaho
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

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SHAYER



MERRILL'S POULTRY FARM AND HATCHERY

PHONE 438-4605 • ROUTE 2 • PAUL, IDAHO 83347

Idaho Department of Water Resources - Page 2

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If this is not sufficient, please let us know what else we need to do.

Thank you for your attention to this matter.

Respectfully,

MERRILL'S POULTRY FARM, INC.

Loyd C. Merrill, President

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R PROOF



CVR



MAPS



PHOTOS



MISC



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Water Right Number - R36-10983

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MERRILL POULTRY FARM

MERRILL

LLOYD

1 - HWY 25
2 -
3 -City- PAUL
Phone - 208-438-4605

State- ID Zip- 83347

1 - HWY 25
2 -
3 -City- PAUL
Phone - 208-438-4605

State- ID Zip- 83347

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/12/1974 ERROR IN REGION J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

09S 23E 28 SW SW SE (67) MINIDOKA

+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume04 - STOCKWATER 01/01 12/31 0.010 0.10
43 - DOMESTIC 01/01 12/31 0.040 2.50+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 2.60 0.0+ - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County09S 23E 28 SW SE 04 STOCKWATER (67) MINIDOKA
09S 23E 28 SW SE 43 DOMESTIC (67) MINIDOKA

Total Acres:

+ - - Diversion Means - 6 1HP SANDPOINTS INTERCONN. TO SUPPLY HATCHERY BLDG. & TRUCK SHOP

+ - - Non-Irrigation Use - STOCKWATER/CHICKEN HATCHERY; DOMESTIC/REPAIR SHOP & POULTRY PLANT

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
SIX POINTS OF DIVERSION LOCATED IN SWSWE, S 28, T09S, R 23E.

Water right number - R36-10983

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - - +

+ - - - - Decree Defendant - - - - +

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

Date: 07/19/1991 User Id: SOUTH1 Subject: COPIED FROM REMARKS

SHARES OF MINIDOKA IRR. DIST. WATER.

Date: 01/03/1992 User Id: WORSTELL Subject: DIVERSION VOLUME LIMITATION

THIS RIGHT IS LIMITED TO A DIVERSION OF 13,000 GAL/DAY

Date: 08/18/1992 User Id: THORNTON Subject: CHANGE IN RECOMMENDATION

I DELETED THE CONSUMPTIVE USE IDENTIFIED PREVIOUSLY. I DELETED IT BECAUSE APPARENTLY IT WAS DETERMINED FROM THE IRRIGATION
AROUND THE DOMESTIC USE. THIS CAN BE CONSIDERED DE MINIMUS.

+ - - Audit Fields - - +

08/18/92 THORNTON

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/17/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/18/1992	Old Judicial District	-
Claim Received Date	- 02/03/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006214	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

CLAIM NO. A36 - 10983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR SMALL INDUSTRIAL AND COMMERCIAL CLAIMS IN PLACE OF A CVR

1. ☒ No Change NAME:
NEW OWNER: _____
☒ No Change ADDRESS: _____
NEW ADDRESS: _____
☐ DATA ENTRY STANDARDS CHECKED?
2. ☒ No Change - DATE OF PRIORITY:
(EVIDENCE OF PRIORITY REQUIRED) ☒ Proof in File
Claimant Contact if Not _____
☐ CHANGE- Priority date, per claimant, is _____
(if the priority date, based on your exam, seems questionable,
explain in COMMENTS.)
3. ☒ No Change - SOURCE:
☐ CHANGE - Different Source found: _____
4. ☒ No Change - POINT OF DIVERSION:
Point of diversion is different than the claim _____
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4

Note: If the 10-acre tract is shown on the claim, then
verification of the 10-acre parcel is needed. Otherwise the
10-acre tract is not required, unless the source is a spring.

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS:
☒ Complete items missing, IF KNOWN.

HP of pump 6x1hp Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping
water level
PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

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$$Q = \frac{(8.8) \left(\dots \frac{1}{2} \dots \right) (0.70)}{[(.10 \dots) + (\dots \frac{60}{R.V.W.} \times 2.31)]}$$

$$= 0.04 \text{ R.V.W.}$$

LIFT FROM:

measurement ()

owner ()

area estimate (X)

well logs ()

Booster (Y) (N)

PSI FROM:

measurement ()

owner ()

estimate (→) ✓

owner gage ()

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

SIX - ONE HP PUMPS

REMARKS

Allow 0.04
* not all pumps run at same time.

DESCRIPTION OF USE: (Fully describe type, time & all aspects of Use)

ONE - TRUCK SHOP FOR WASHING

ONE - KITCHEN

TWO - Pressure system FOR HATCHERY

ONE - LAWN SPRINKLERS

ONE - SANITARY USE IN DOORS

CALCULATE VOLUMES: (time)X(rate)= Vol.

R.V.W. 1/2/92

$$\text{Sanitary use} \rightarrow (13 \text{ employees}) \times (15 \text{ gpd/employee}) \times (305 \text{ days/yr}) = 0.183 \text{ AF/A}$$

C.U

$$\text{Trucks} \rightarrow (20 \text{ gpm} \times 30 \text{ min}) \times 104 \text{ Washings} \times 5 \text{ trucks} = 0.96 \text{ AF/A} *$$

$$\text{Kitchen Use} - 10 \text{ gpd} \times 305 \text{ days/yr} = 0.01 \text{ AF/A} *$$

1.0 AF/A

$$\text{Lawn Use} - \frac{1}{2} \text{ gal} \times 4 \text{ AF/yr} = \frac{1.33}{4} \text{ AF/A}$$

$$2 \text{ Hatchery Uses} - 2 (50 \text{ gpd}) \times 180 \text{ day} = 0.06 \text{ AF/A} *$$

* Estimates by
R.V.W.
1/2/92

Total

$$2.543 \text{ AF/A}$$

6. ☒ No Change - WATER USES:
RECOMMENDED USES:

Use Dom From 1/1 To 12/31 Amount 0.04 cfs 2.5 af 1.0 af
 Use Stock From 1/1 To 12/31 Amount 0.01 cfs 0.1 af — af

De Minimis
 cons

☐ DATA ENTRY STANDARDS CHECKED FOR ITEMS 6, 7, 8 AND 9.

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
 Use Twp. Rge. Sec. 1/4, 1/4, 1/4

_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

13. ☒ No change - OTHER RIGHTS FOR SAME USE:
CHANGE: _____

REMARKS AND CONDITIONS

14. ☐ (copy existing remarks to comments in "R")
 LIST STANDARD REMARKS FOR THE RECOMMENDATION: ☐ NONE

☐ LIST STANDARD CONDITIONS FOR THE RECOMMENDATION: ☐ NONE

15. ☒ BASIS OF CLAIM VERIFIED AS: D - L - P - S - J (circle one)

COMMENTS: (pertinent to field examination)

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ATTACHMENTS: Attached to This Form. Attachments are in Permit File.

PHOTOS

MAP

SYSTEM DIAGRAM

☐
☒
☐

☐
☐
☐

DATE EXAM CONDUCTED: 7/17/91

ACCOMPANIED BY: _____

FIELD EXAMINER: MIKE HARSHBARGER

SIGNATURE: *Mike Harshbarger*

REVIEWED BY/DATE: _____

DATA ENTRY BY/DATE: MTH 7/19/91

VERIFICATION BY/DATE: _____

AR 8/6/92

R23E

BURLEY SE QUADRANGLE

IDAHO

7.5 MINUTE SERIES (ORTHOPHOTOGRAPH)

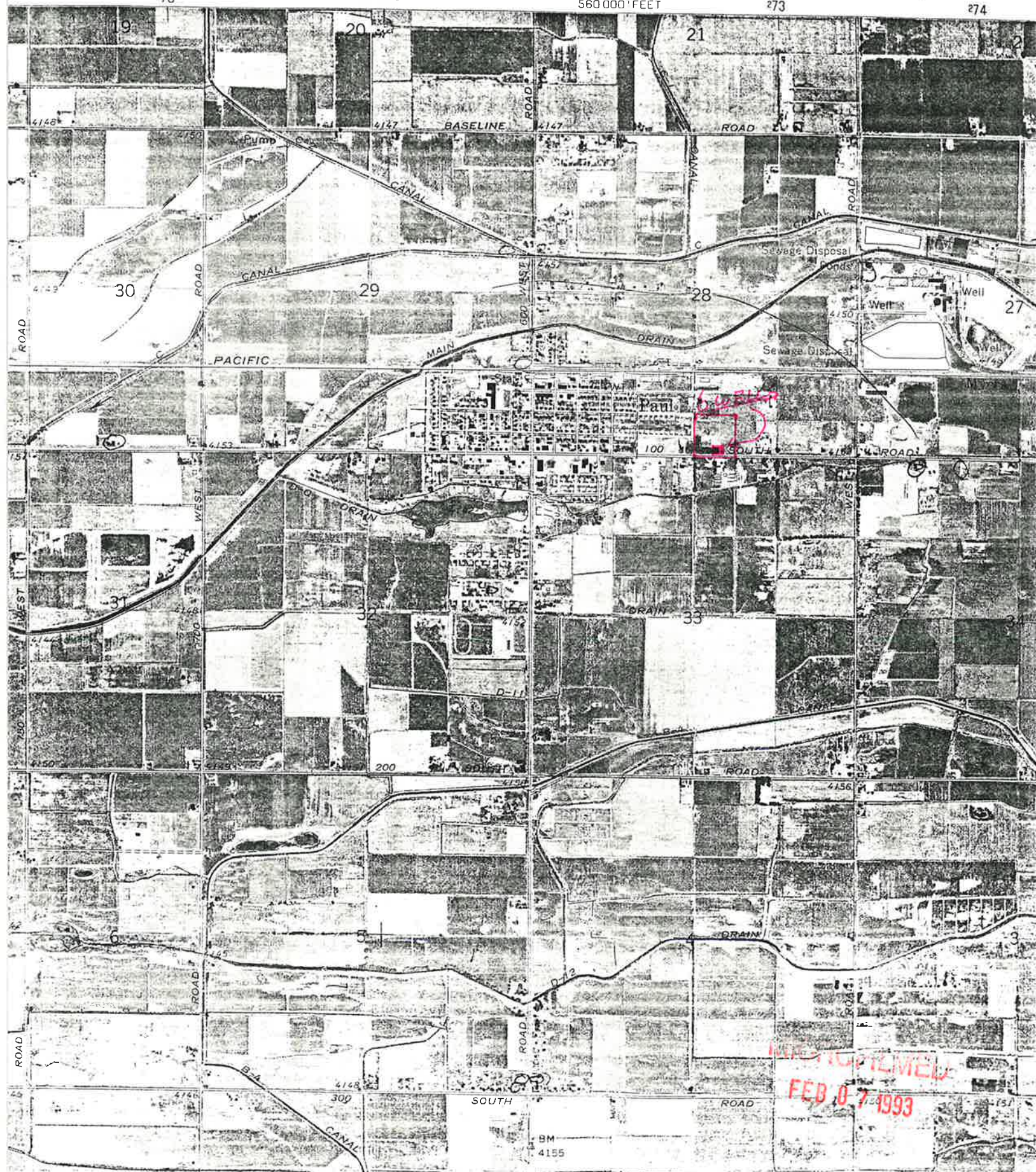
270

47' 30"

560 000' FEET

273

274



Phone
CONVERSATION MEMORANDUM

NAME OF PARTY Lloyd Merrill
EMPLOYEE: Bob Worstell

DATE 1/2/92
FILE 36-10974, 36-10975
36-10976, 36-10981, 36-10982
+ 36-10983

RE: Annual Diversion Volume Estimates

36-10974 - For 3 Brooder Houses @ 18000 chicks each.

36-10975 - Office + Egg Room. (25 employees).

4 "Coops" (2500 Birds/coop)

36-10976 - For 5 "Coops" (2500 Birds/coop)

36-10981 - For 3 Poultry Houses (5000 Birds/house)

36-10982 - For 12 Poultry Houses (5000 Birds/house)

36-10983 - For Hatchery Bldg. (11 employees)

+ Repair Shop (2 employees)

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