

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: A29-07060
Date Received: 4/19/1990
Receipt No: E014329
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH H FRANK 208-232-8585
Address: 4300 TECH FARM RD
POCATELLO ID 83204

2. Date of Priority: SEP 2, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	7	SW	NW			BANNOCK

5. Description of diverting works:
10" WELL/ 84' DEEP - 5 HP SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.180		29.80

7. Total Quantity Appropriated is:
0.180 C.F.S. (and/or) 29.80 A.F.A.

8. Total consumptive use is 29.8 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	7	SW	NW	2	IRR	8.7

Section Acres

Total Acres

MICROFILMED
8.7
APR 12 1991
8.7

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

2 P/D SWNW, SEC. 7, T7S, R35E.

AC. IRR. = 8.75.

15. Basis of Claim: LICENSE

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 _____

MICROFILMED

APR 12 1994

NO LATE FEE IF RECEIVED

BY June 4, 1990IN 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 SYSTEMCIVIL CASE NUMBER: 1060Ident. Number 39576Date Received A29-07273Receipt Number 4-19-90E014329

RECEIVED

MAY - 9 1990

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 19 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) JOSEPH H FRANK Phone (208) 232-8585Mailing Address 4300 TECH FARM RD POCA. ID Zip 832042. Date of Priority (Only one (1) per claim) September 2 19703. Source of water supply (a) CROWN WATER
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 7S Range 35E Section 7,
SW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of BANNOCK

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.10" Well 84' deep 5HP SUB. Pump

MICROFILMED

APR 12 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from April 1 to Nov 1 amount 0.18 or 29.8 A Feet

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.18 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 29.8 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	
75	35E	7							8.75										8.75

Total number of acres irrigated 8.75

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

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:

MICROFILMED

APR 12 1994

Last Name _____ 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 29-7273 7060
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 1

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

Signature of Claimant (s) Joseph H Frank Date April 17, 1990
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 17th day of April 19 _____

SEAL

Notary Public Victor E. Mayrich

Residing at 5112 Yellowstone Boulevard

My Commission Expires 10-16-94

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

APR 12 1994

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Log for claim A29-07060

Spatial Dynamics LTD

9/6/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	7	SWNW	8.7	6.8	POD placement? / Indiscernible

Totals:

8.7

6.8

C/O - Frank, Ruth A ^{Frank} Living Trust
4300 Tech Farm RD
83204

Power

9.04ac lot 3120

6/4/01 Confirmed Property is now in a living trust
Cheri sending WCD - send

AJ5809NP
No. A29-07060

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 235

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPH H FRANK 4300 TECH FARM RD POCATELLO ID 83204 (208) 232-8585	09/02/1970	IRRIGATION	04-01 11-01	0.180 CFS	29.80 AFA
TOTAL DIVERSION:					0.180 CFS	29.80 AFA
CONSUMPTIVE USE:						29.80 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R35E S07 SWNW BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
07S	35E	7	:		:		:		:		:		:		:		:		:		:		:		:		:		:		8.7	
TOTAL ACRES																														8.7		

POU County: BANNOCK

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-10687 29-11405 29-11406 29-12037 29-12165 A29-04188 A29-07009 A29-07273 A29-10687 A29-11405
A29-11406 A29-12037 A29-12165

Other Water Rights Listing Overlapping Place(s) of Use:

A29-04188

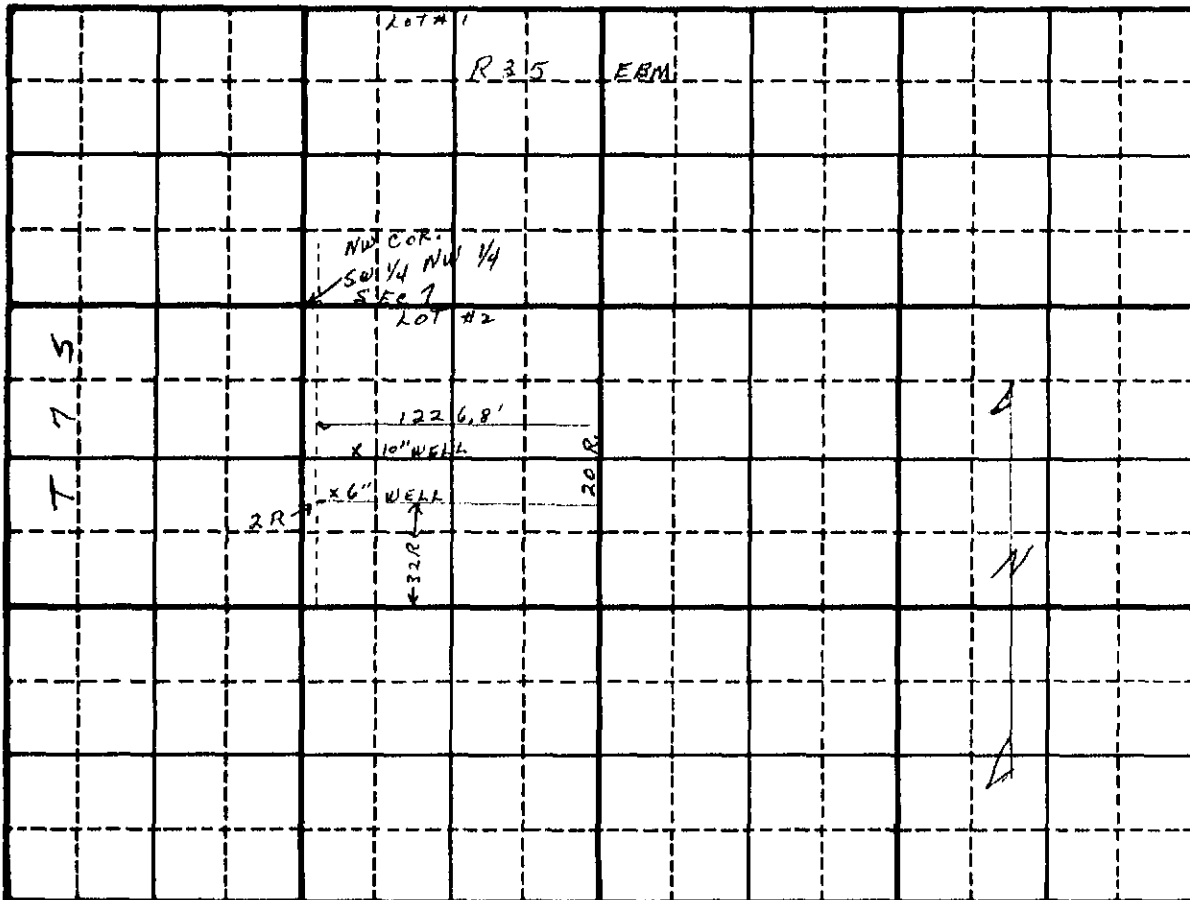
Remarks: GEN 2 P/D SWNW, SEC. 7, T7S, R35E.
AC. IRR. = 8.75.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 06/08/93 DCARLSON 03/29/95 POST-STD

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Pocatello, this 25TH day of MAY, 19 74.

Joseph H. Frank
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, A. KENNETH DUNN, Deputy Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 29-7060.

Witness my hand this 31st day of May, 19 74.

A. Kenneth Dunn
Deputy Director

Identification No. 29-2060

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

FORM 100-100 FOR 22 SEC. FT.
LEASE PAGE NO. _____

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Joseph H. Frank
post office address Route #3 Box 333 Pocatello, Idaho 83201
2. Source of water supply Subterranean which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7 Township 7S
Range 35E B.M. Bannock County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.18 for irrigation purpose from May 1st to October 15th (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for domestic purpose from Jan. 1st to Dec. 31st (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for stock water purpose from Jan. 1st to Dec. 31st (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .22 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well, submersible pump

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 10 inches; proposed depth of well is 80 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years.
b. Estimated construction cost is \$ 2,500.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7 Township 7S
Range 35E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 80 head sheep, 4 head cattle

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1 family.
(5) If water is to be used for other purposes describe: _____

29-2060

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	35E	7							8.75										8.75

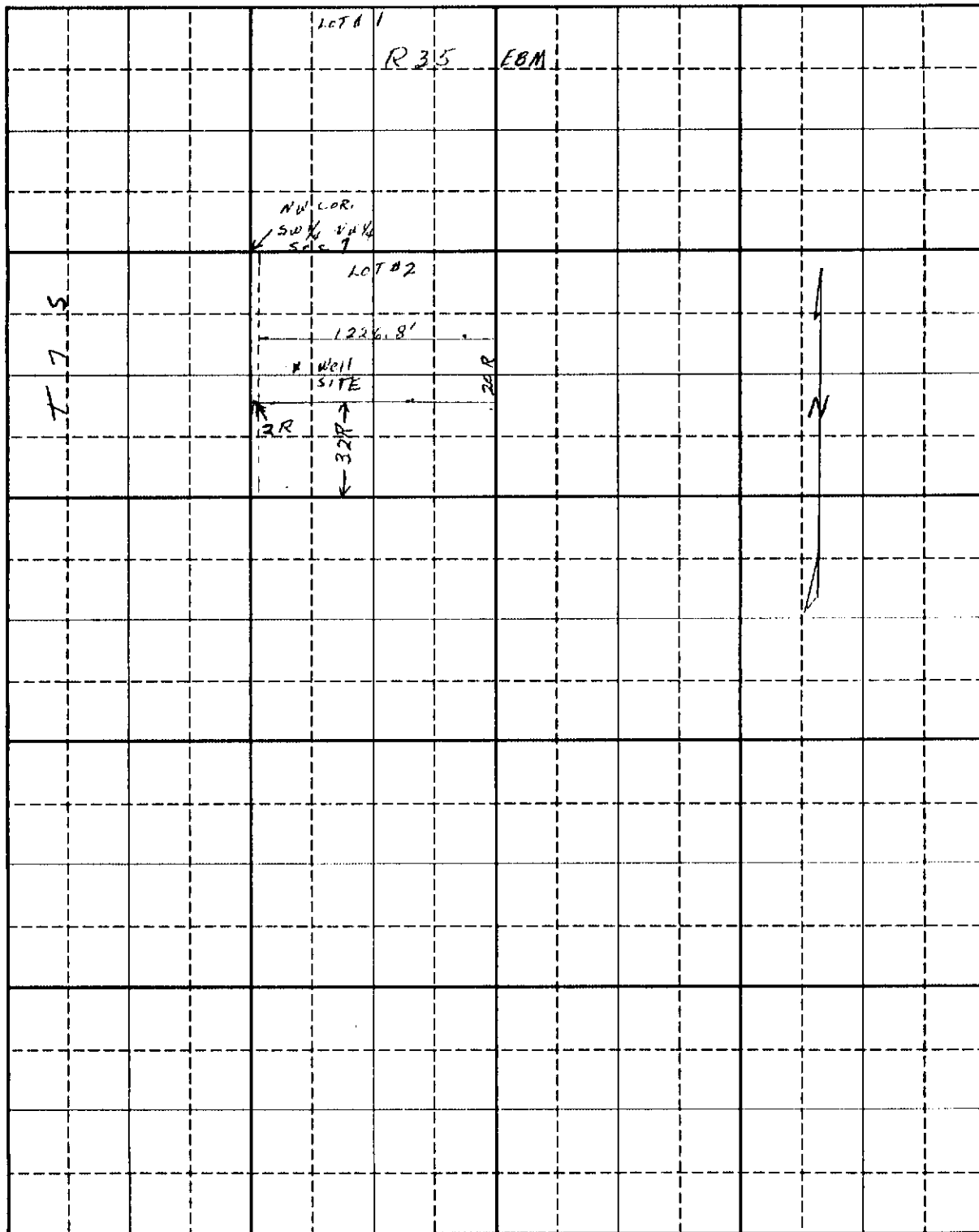
Total number of acres to be irrigated 8.75

c. Describe any other water rights used for the same purposes as described above. Portneuf River - Gibson Ditch Company will be abandoned. The water right was an Indian water right.

9. a. Who owns the property at the point of diversion Joseph H. Frank
 b. Who owns the land to be irrigated or place of use Joseph H. Frank
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Our existing irrigation system is not practical any longer as the ditch is being filled with mud and debris from run off from the hills. I am doing this to obtain adequate water for culinary purposes and stock watering and to irrigate what I can of my property from the new well. Also, this will provide better fire protection.

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



Scale: 1 inch equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Joseph H. Frank
(Applicant)

29-7000

Received by el Date 10-12-70 Time 10:30 AM
 Preliminary check by el Fee \$10
 Receipted by el Date 10-19-70
 Publication prepared by dr Date 10-22-70
 Published in Idaho State Journal
 Publication dates 10-29 & 11-05, 1970
 Publication approved dr Date 11-11-70
 Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by el BDF OK

APPROVED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7060, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 74.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 7th day of December, 19 70.

P. Keith H. H.
 Director

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 29-7060 Priority Oct. 12, 1970 Amount 0.22 cfs

THIS IS TO CERTIFY, that JOSEPH H. FRANK
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7060 issued pursuant to Application for Permit dated October 12, 1970,
and has submitted proof to the Department of Water Administration on November 8, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.22 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.02</u> cfs and <u>1.2 acre feet</u>			
<u>Stockwater</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.02</u> cfs and <u>0.2 acre feet</u>			
<u>Irrigation</u> from <u>May 1</u> to <u>Oct. 15</u> at <u>0.18</u> cfs and <u>31.0 acre feet or</u> (both dates inclusive) <u>3.5 af per acre</u>			

Subject, however, to the condition that no more than 0.22 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
32.4 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (2 points) of
Sec. 7, Twp. 7 S, Rge. 35 E, B. M. in the County of Bannock

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>7 S</u>	<u>35 E</u>	<u>7</u>							<u>X</u>										<u>8.75</u>
									<u>(lot</u>										
									<u>2)</u>										

Total number of acres irrigated 8.75

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31st day of
May, 19 74.

Deputy Director



FIELD REPORT

TOTAL ACREAGE _____ **8.75**

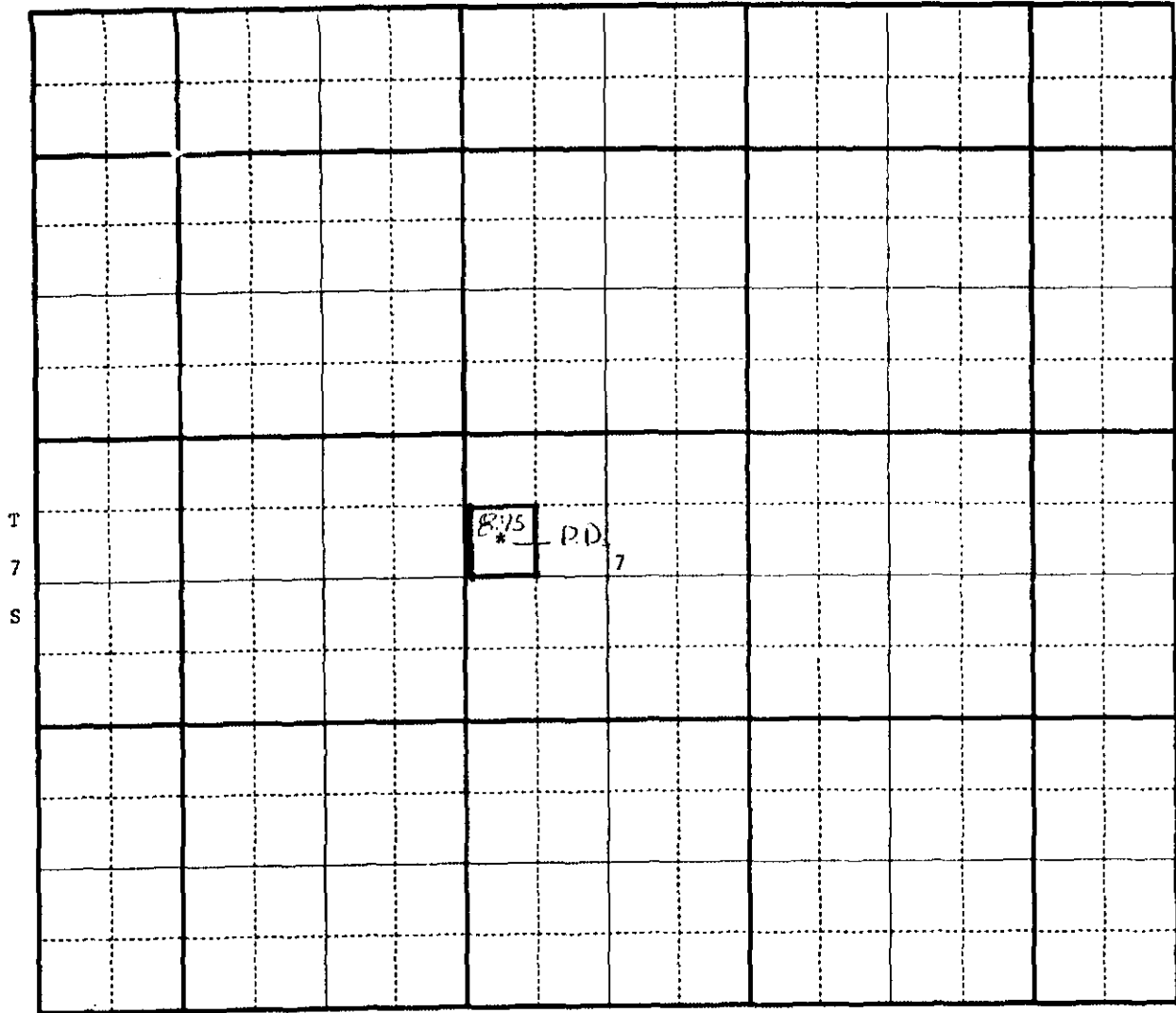
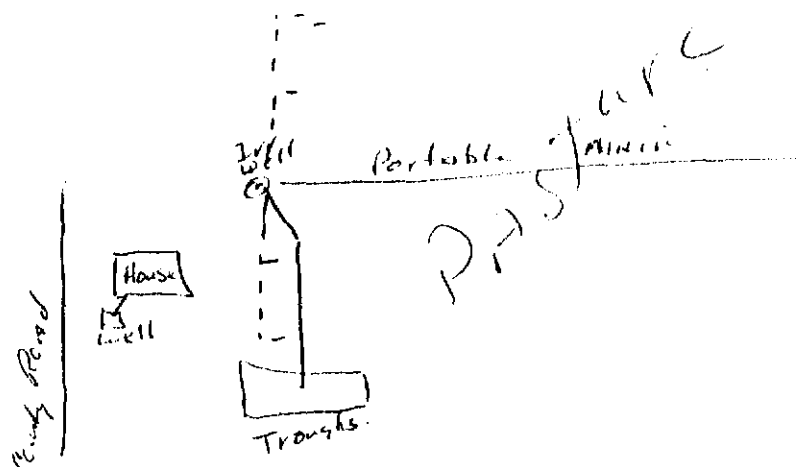


Diagram of System

Top View



DATE OF EXAM MAY 14, 1979

ACREAGE
Found 8.75
Recommended 8.75

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = .18 c.f.s. V = 30.6 AF/Ann. from MAY 1 to Oct 15
Domestic Q = .02 c.f.s. V = 1.2 AF/Ann. from Jan 1 to Dec 31
Livestock Q = .02 c.f.s. V = 1.2 AF/Ann. from Jan 1 to Dec 31

Is water co-mingled? yes no ☒

Name source: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured .21 cfs + .02 cfs domestic Method of measurement P.L.I.

Total Q recommended .20 Meter No. A-203 Type _____ Condition EDC/A

Total V recommended 32 AF/Ann.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

$25 \text{ psi} = 3.58 \text{ gpm} \times 28 \text{ Noz} = 98.56 \text{ gpm/system}$
 $= 0.21 \text{ cfs}$

Stock use > .02 cfs V = (8.75) * (3.5) = 30.6

SYSTEM DESCRIPTION:

28 3 HP Submersible pump 4" portable pump well,
730 R2 6" pipe 50' A. R. (Eck. for 4' stock)
6" well with 1/2" diameter submersible pump for domestic well
System 3/4 HP

REMARKS:

System & well shown by owner
10 head beef cattle 40 Sheep
Owner stated that this was the first year of sheep
production

Examiner's Signature William Rhonda Date MAY 14, 1979

Checked by John Gerslauer Date MAY 15, 1979

Approved by _____ Date _____

