

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: A22-07071
Date Received: 7/19/1988 8-24
Receipt No: E001761 / E001719
Received By: ES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANKO FARMS INC. 208-356-6611
Address: C/O FRANK WEBSTER
P.O. BOX 323
REXBURG, ID 83440

2. Date of Priority: APR 25, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	40E	24	SW	NW	NW		MADISON
	41E	19	NW	SW	NE		MADISON
			SE	NE	NW		MADISON

5. Description of diverting works:
3 WELLS PUMP INTO COMMON SYSTEM TO IRRIGATE ENTIRE FARM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	13.350		

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

8. Total consumptive use is 2197.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2207071

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	40E	13	NE		NE		IRR	30.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			Section Acres 190.0					
		14	NE		NE		IRR	21.0
			NW		NE		IRR	20.0
			SW		NE		IRR	40.0
			SE		NE		IRR	35.0
			SE		NW		IRR	18.0
			NE		SW		IRR	17.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	30.0
			SE		SE		IRR	39.0
			Section Acres 299.0					
	41E	17	SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			Section Acres 80.0					
		18	NE		SW		IRR	40.0
			NW		SW		IRR	30.0
			Section Acres 70.0					
		19	SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres 80.0					
		20	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			Section Acres 80.0					
		30	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			Section Acres 80.0					
			Total Acres 879.0					

RECORDED

OCT 29 1992

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

LIC. 22-2247/22-07156/A22-07418B SAME POD

14. Remarks:

THIS RT. WHEN COMBINED WITH RT. 22-2247 SHALL NOT EXCEED 7.38 CFS FROM THE WELL IN THE NENW, S19, T5N, R41E.

BY AGREEMENT FRANKO FARMS LEASES 80 ACRES IN S1/2 NW1/4 SEC. 18 T5N R41E TO JOHN SMITH WHO WATERS LAND FROM HIS OWN WELL UNDER CLAIMED RIGHT A22-07418A. FRANKO FARMS INC. INTURN LEASES 80 ACRES IN THE W1/2 SE1/4 SEC 13 T5N R40E AND WATERS THIS WITH THEIR OWN WELLS AS DESCRIBED IN THIS CLAIM.

15. Basis of Claim: LICENSE

RECEIVED

OCT 29 1992

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: 0

For Organizations:

I do solemnly swear or affirm that I am Sec. of
Title

Franko Farms Inc that I have signed the foregoing
Organization
document in the space below as Sec of
Title

Franko Farms Inc and that the statements contained in the
Organization
foregoing document are true and correct.

Bryan H. Webster
Signature of Authorized Agent

Sec.
Title and Organization

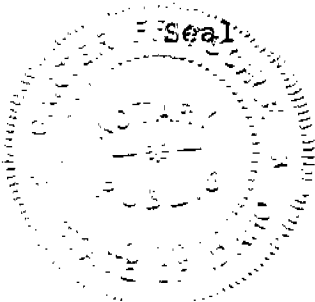
Aug 24, 1988
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24 day

of August 19 88

Carlton Frotscher
Notary Public



Residing at Logan, Idaho

My Commission Expires 3/21/1994

OCT 29 1992

R40E

R41E

T12N

17

18

POD

POD

23

24

19

POD

20

A22-07071

-160

-879-

30

Log for claim 22-07071

Spatial Dynamics LTD

7/5/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n40e	13	NENE	30	32	
05n40e	13	SENE	40	39	
05n40e	13	NESE	40	40	
05n40e	13	NWSE	40	40	
05n40e	13	SWSE	40	38	
05n40e	14	NENE	21	21	
05n40e	14	NWNE	20	25	
05n40e	14	SWNE	40	40	
05n40e	14	SENE	35	35	
05n40e	14	SENE	18	23	
05n40e	14	NESW	17	15	
05n40e	14	NESE	39	40	
05n40e	14	NWSE	40	40	
05n40e	14	SWSE	30	29	
05n40e	14	SESE	39	40	
05n41e	17	SWSW	40	38	
05n41e	17	SESW	40	39	
05n41e	18	NESW	40	40	
05n41e	18	NWSW	30	29	
05n41e	19	SWSE	40	39	
05n41e	19	SESE	40	39	
05n41e	20	NENW	40	40	
05n41e	20	NWNW	40	37	
05n41e	30	NENE	40	39	
05n41e	30	NWNE	40	39	
Totals:			879	876	

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7071 Priority April 25, 1973 Amount 13.35 cfs

THIS IS TO CERTIFY, that FRANKO FARMS, INC.
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 22-7071 issued pursuant to Application for Permit dated April 25, 1973,
and has submitted proof to the Department of Water Resources on March 9, 1977,
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 13.35 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from April 1 to November 1</u>	<u>at 13.35 cfs and</u>	<u>3077 acre feet</u>
	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	
	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	

(both dates inclusive)

Subject, however, to the condition that no more than 13.35 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
3077 acre feet per year, said waters to be diverted within the NW¹/₄, Sec. 24, Twp. 5N,
Rge. 40E, NE¹/₄, Sec. 19, Twp. 5N, Rge. 41E in the County of Madison

Description and location of place of use:

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	

Total number of acres irrigated _____

The maximum combined rate of diversion from the well in the NE¹/₄, Sec. 19, Twp. 5N,
Rge. 41E, shall not exceed 7.38 cfs under this License and License No. 22-2247

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 7 day of

November, 1978.

Stephen C. Allen
Director

LAND LIST ATTACHMENT

Description and location of place of use:

[illegible]

Total number of acres irrigated 879

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 29 1977

APPLICATION FOR AMENDMENT

Department of Water Resources
Eastern District Office

Permit No. 22-7071

Comes now Franko Farms, Inc. of (address) _____

Box 323, Rexburg, Idaho 83440, and represents to the Director of
the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State
of Idaho No. 22-7071, and requests that the permit and permit map be changed as
follows:

NO CHANGE

1. Point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Sec. _____ Twp. _____
Rge. _____, B. M., County of _____. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

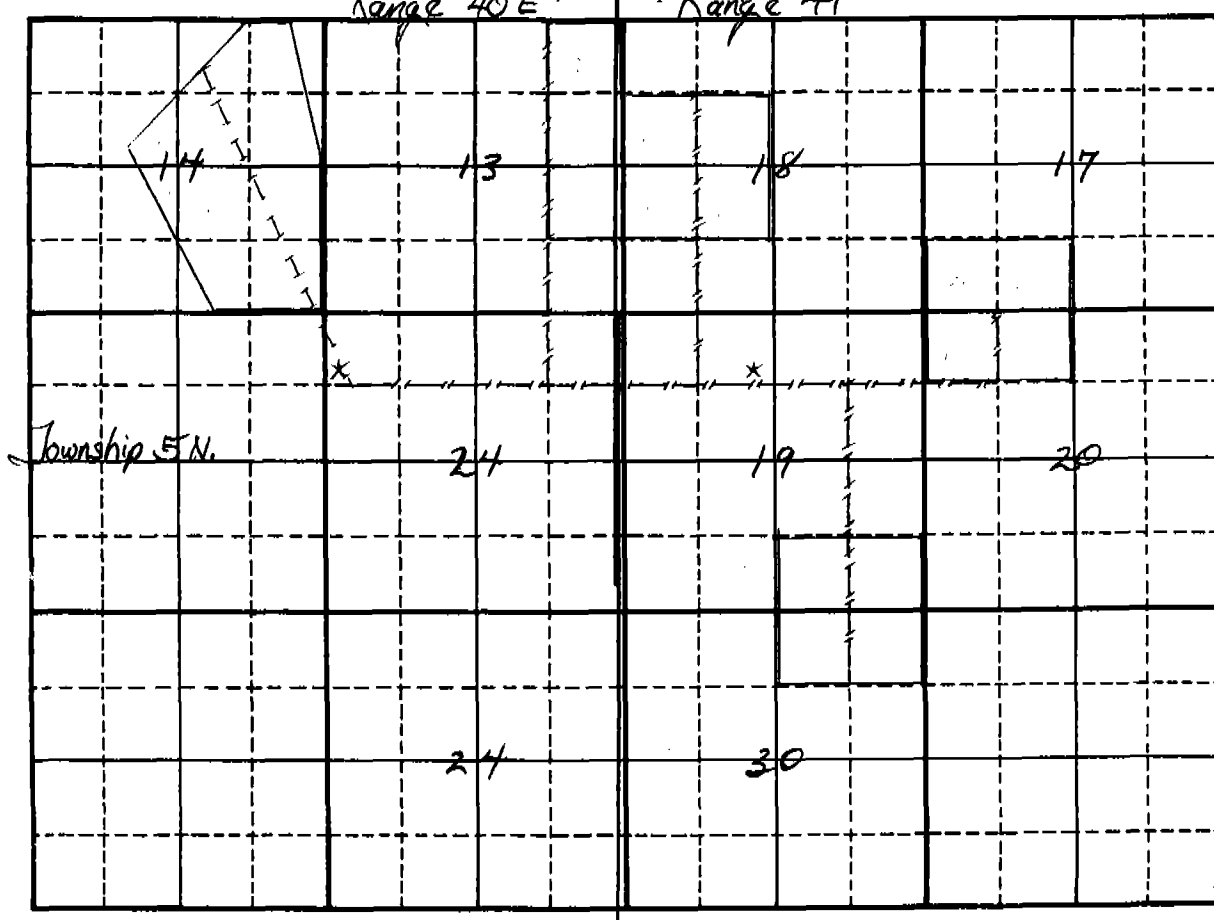
3. Place of use or land to be irrigated:

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 $\frac{1}{4}$	
5N	40E	13	30			40									40				110
		14	21	20	40	35				18	17				39	40	30	39	299
5N	41E	17										40	40						80
		18							40	40	40	30							150
		19															40	40	80
		20					40	40											80
		30	40	40															80

Total number of acres to be irrigated

879

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 Reynolds Fork, this 27 day of August, 19 77.

Franko Jarnus, Inc.
(signature)
By Frank R. Webster, Pres.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Chief, Operations Bureau

I, BOBBY D. FLEENOR, Director of the Department of Water Resources

hereby APPROVE the above application for amendment on Permit No. 22-7071.

Witness my hand this 6 day of September, 19 77.

Bobby D. Fleenor
Director

Chief, Operations Bureau

22 7071

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant FRANKO FARMS, INC.
 post office address c/o Mary Smith, Box 406, Rexburg, Idaho
2. Source of water supply ground water source which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 24 Township 5 N.
 Range 40 E. B.M. Madison County; additional points of diversion if any: _____
circulating system with existing well located in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19,
T. 5 N., Range 41 E. B.M.
- 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 20.18 ^{44 5/13/73} for irrigation purpose from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
20.18 ^{44 5/13/73}
 a. 20.18 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. pump
well and sprinkler system

- 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 _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
 is five years.
 b. Estimated construction cost is \$100,000.00.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
 Range _____ 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 _____

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

22-7071

22-7011

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	
5 N	40 E	13	30	40	40	40									40	35	40		265
5 N	40 E	14	20	20	40	40			20	10					40	40	30	35	295
5 N	40 E	23	~~20 10 24 5/3/73~~																~~300~~ 84 5/3/73
5 N	40 E	24													40	40	40	40	160
5 N	41 E	17											30	35					73
5 N	41 E	18							35	35	35	35							140
5 N	41 E	20					38	38											76

Total number of acres to be irrigated

1009 84 5/3/73
1039

c. Describe any other water rights used for the same purposes None

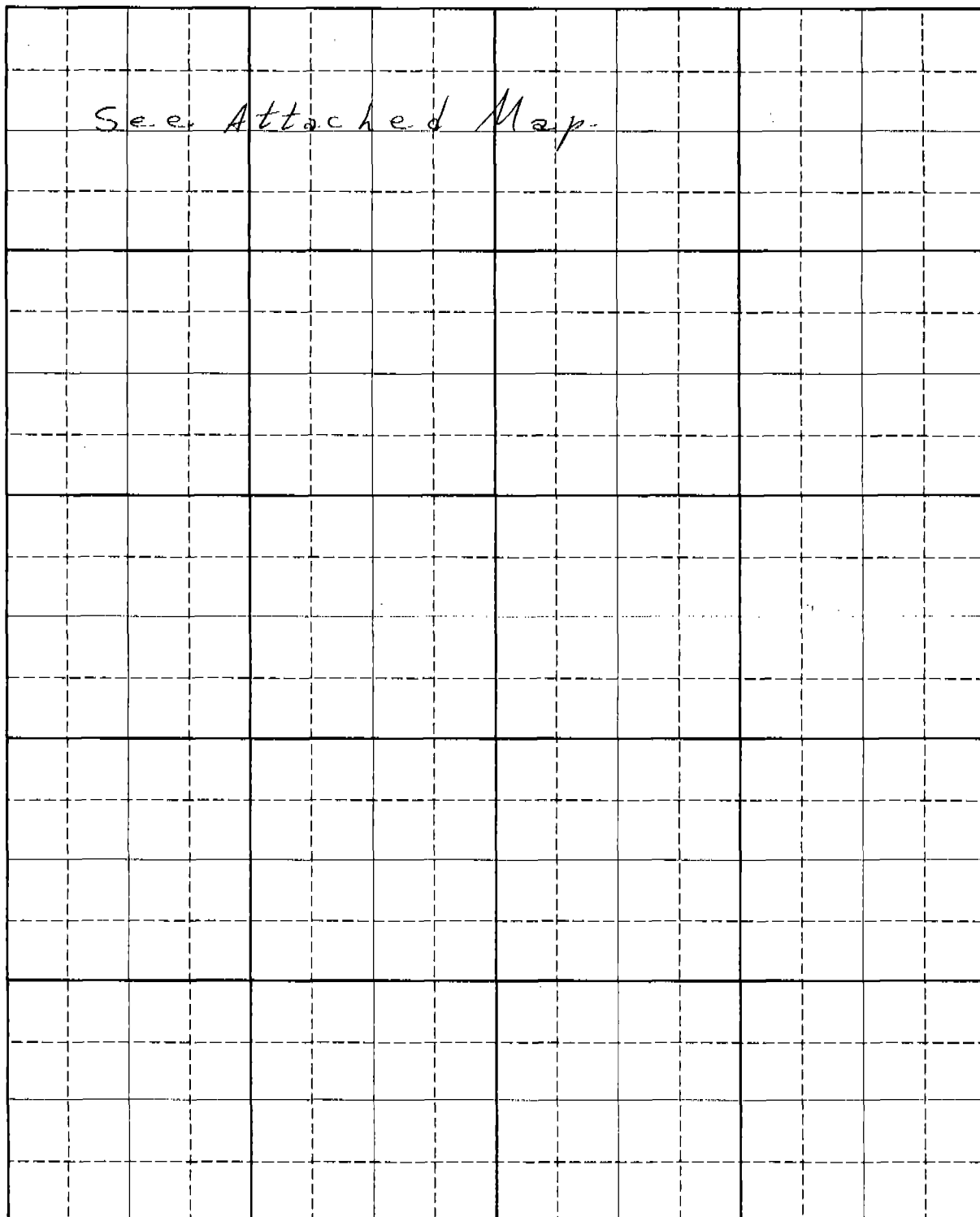
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant, J. Weldon Webster, Pauling Smith & Josephine H. Smith.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing lease

10. Remarks Plan to use circulating system with existing well and put booster on existing well if necessary.

11. Map of proposed project:



Scale: 2 inches 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.

FRANKO FARMS, INC.
(Applicant)

Frank R. Wilkerson
President.

22-7071

22 1041

Received by FE Date 22 April 1973 Time 4:30 PM
 Preliminary check by FE Fee \$ 215 + \$45.00 Rec'd 7/10/25
 Receipted by FE Date 4-25-73 + #780
 Publication prepared by FE Date 5-23-73
 Published in Rebburg Journal, Rebburg
 Publication dates 5-10+17-73
 Publication approved NCY Date 5/29/73
 Priority reduced to 4-25-73 Reason Sec. 42-202
Dept. error in receipting insufficient
filing fee
 Protests filed by: _____
 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by NCY

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7071, 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 June 1, 19 78.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 4th day of June 1973.

R. Keith Higgins
 Director

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder Franko Farms, Inc. MAR 25 1971
 Post office address Box 323, Rexburg, ID 83440 Department of Water Resources
 Person to contact Bert Webster, Vice Pres. Booth District Office
 Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
 (name spring, stream, etc.)
 Tributary to _____

3. Water will be used for the following purposes:

Amount 20.18 c.f.s. for Irrigation
 _____ AF/Annum (nature of use)

Period of Use: from Apr. 1 to Nov. 1
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 22-7071
 Examination for b/u AMENDED

4. Total amount to be appropriated:

Max Rate of Diversion 20.18 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 5N N/S, Range 40E E/W, B.M., Section 24, Subdivision NW 1/4 NW 1/4, Madison

Township " N/S, Range 41E E/W, B.M., Section 19, Subdivision NE 1/4 NW 1/4, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Other Points of Diversions: _____

Description of diverting works: 600 hp pump 9-14R at 680', 600 hp L&B motor, 476', 20" casing
100 feet, 18" casing

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

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	
5N	40E	13	30	40	40	40									40	35	40		265
		14																	295
		22x																	
		24													40	40	40	40	160
5N	41E	17										38	35						73
		18							35	35	35	35							140
		20					38	38											76

TOTAL ACREAGE 1009

Rge. 40E

Rge. 41E

T
5
N

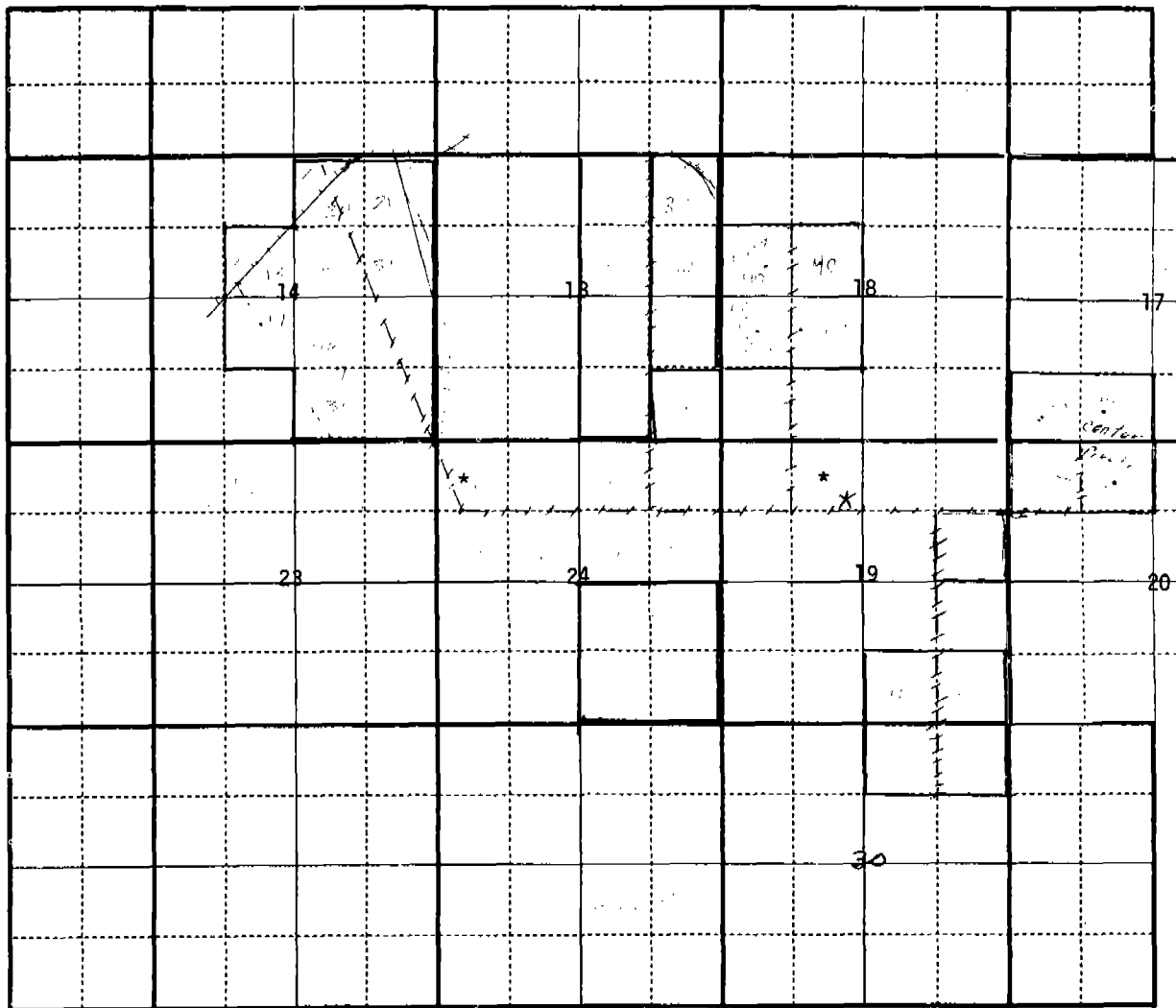
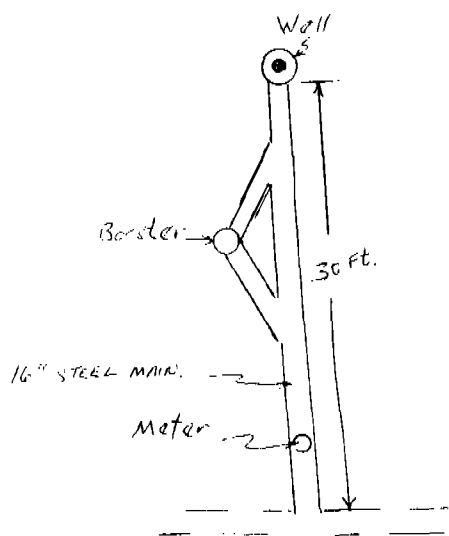
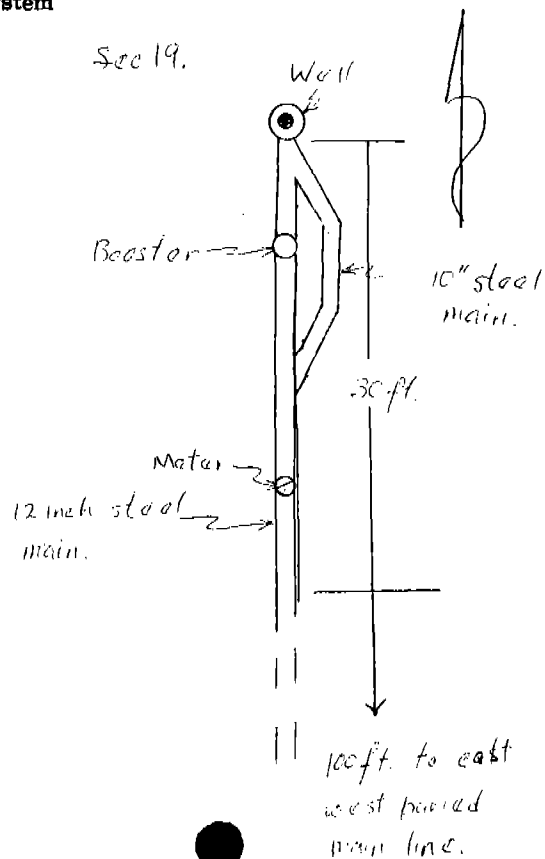


Diagram of System

Sec 24



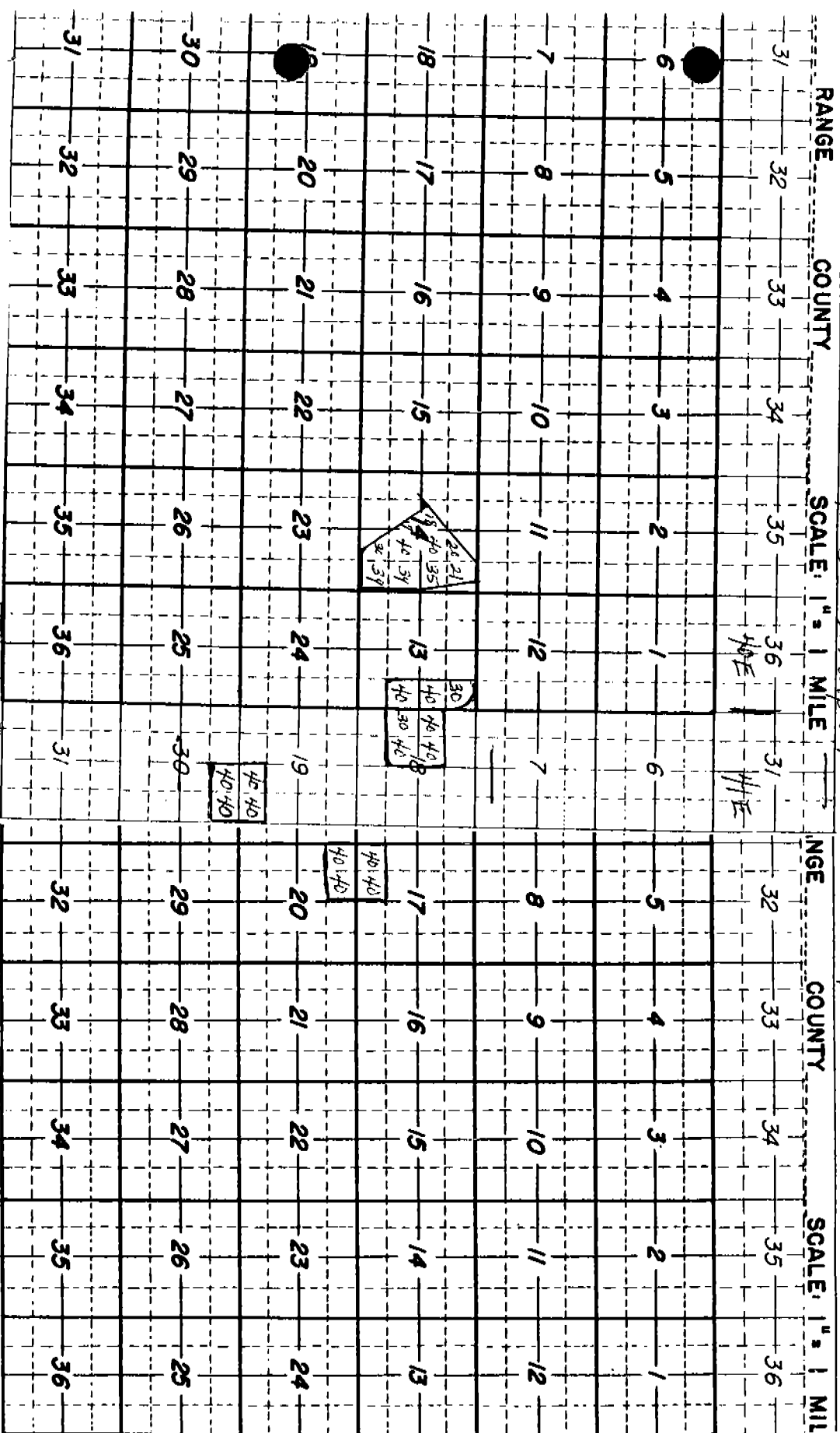
Sec 19.



ENC.
9-19-77.

Franko farms (unpublished)

22-7071



DATE OF EXAM 9/17/66

ACREAGE
Found 879 ac
Recommended 879 ac

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 13.35 c.f.s. V = 3096.5 AF/Ann. from April 1 to Nov. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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

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

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

Total Q measured 13.35 Method of measurement IN LINE METER

Total Q recommended 13.35 Meter No. 73-16-138 Type MC Condition STR

Total V recommended 3096.5 AF/ann.

Recommended Amendments:

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

MEASUREMENT CALCULATION:

Sec 24 - Direct reading ≈ 2600 gpm. Timed reading = $.0116 / 73.500 = 5.87 \text{ cfs}$
Sec 19 - Direct reading ≈ 5500 gpm. Timed reading = $.0116 / 59.300 = 7.38 \text{ cfs}$

$V = 3.5 \times 879 = 3096.5 \text{ AF/ann.}$ $13.35 \times 215 \times 1.9835 = 5693.14 \text{ AF/ann.}$ $5693.14 - 3096.5 = 2596.64 \text{ AF/ann.}$

SYSTEM DESCRIPTION:

Sec 24 - 200 HP. G.E. Motor no. 117 plate 47 Layne & Butler pump serial # 500-726
200 HP. G.E. Booster motor 3 phase, serial number 255726108 Layne & Butler pump serial # 500-727

Sec 19 - 700 HP. Westinghouse 3 phase motor serial # 15-75 47 Layne & Butler pump serial # 012216 200 HP. G.E. 3 phase motor, serial # 897212190 Layne & Butler pump serial # 012215 Pumps supply water for 20 1/4 mile main lines

REMARKS: Meter needles & one 2000 center pilot pin probe. Meter # 1216100 serial # 510.
System described by Bart Webster - no plate coverage available.
Well in Sec 19 also located by L-# 22-2247.
No measuring device on well in Sec 19. Meter installed 9/3/66.

Examiner's Signature Ernest M. Carlson Date 9-19-66

Checked by Anthony R. Kozhowski Date 9/22/77

Approved by _____ Date _____