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In File

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: A57-10870  
Date Received: 10/ 8/1991  
Receipt No: C021966  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: ELMER E FRANK 208-337-3739  
Address: PO BOX 457  
HOMEDALE ID 83628

AND

Name: AGNES FRANK 208-337-3739  
Address: PO BOX 457  
HOMEDALE ID 83628

2. Date of Priority: MAR 31, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N      | 05W   | 4       | SE     | NW     | SW     |     | OWYHEE |

5. Description of diverting works:  
28' OF 6" CASING, WHICH IS PERFORATED FOR 10'

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) | A.F.A. |
|----------|-------|-------|--------|------|--------|
| DOMESTIC | 04/10 | 10/15 | 0.067  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

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OCT 06 1992

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use    | Acres |
|----------|-------|---------|------------|-----|--------|-------|
| 03N      | 05W   | 4       | SE NW      |     | DOMEST |       |

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
WATER USED FOR LAWN AND GARDEN

15. Basis of Claim: BENEFICIAL USE

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

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 57-10870

DEC - 3 1996  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

NAME & ADDRESS: ELMER E FRANK  
AGNES FRANK  
PO BOX 457  
HOMEDALE ID 83628

SOURCE: GROUNDWATER

QUANTITY: 0.067 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 03/31/1977

POINT OF DIVERSION: T03N R05W S04 SENWSW Within Owyhee County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|-------------------------------|----------------|---------------|-----------|
|                               | DOMESTIC       | 04-10 10-15   | 0.067 CFS |

DOMESTIC USE IS FOR LAWN & GARDEN.

PLACE OF USE: DOMESTIC Within Owyhee County  
T03N R05W S04 NSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: DEC - 3 1996

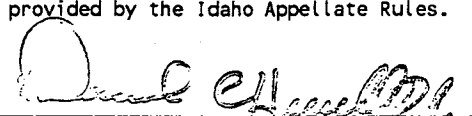
  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DEC - 3 1996

DATED:

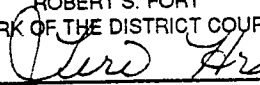
  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

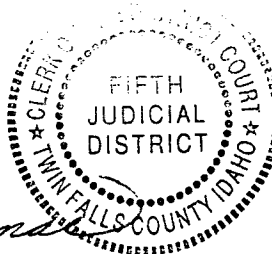
MICROFILMED

JUN 06 1997

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 57-10870

State of Idaho  
County of Twin Falls ss.  
I hereby certify the foregoing to be a  
full, true and correct copy of the  
original on file in the above entitled  
action.

ROBERT S. FORT  
CLERK OF THE DISTRICT COURT  
By   
DEPUTY CLERK



PAGE 1  
NOV-18-1996

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-09-1996

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 57-10870

NAME AND ADDRESS: ELMER E FRANK  
AGNES FRANK  
PO BOX 457  
HOMEDALE ID 83628

SOURCE: GROUNDWATER

QUANTITY: 0.067 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY  
USED FOR DOMESTIC, OUTSIDE USE ONLY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 03/31/1977

POINT OF DIVERSION: T03N R05W S04 SENWSW Within Owyhee County

## PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE        | PERIOD OF USE | QUANTITY  |
|----------------|-----------------------|---------------|-----------|
|                | DOMESTIC EXTERNAL USE | 04-10 10-15   | 0.067 CFS |

PLACE OF USE: DOMESTIC Within Owyhee County  
T03N R05W S04 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

PARCEL NO. RPA0180001003A.

AKA LOTS 7 &amp; 8, BLOCK 2, METZER ADDITION.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

PARCEL NO. RPA0180001003A.

PROPERTY IS ALSO KNOWN AS LOTS 7 &amp; 8, BLOCK 2, METZER ADDITION.

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JUN 06 1997

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-1-1996  
PAGE: A-312

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 57-10870

NAME & ADDRESS: ELMER E FRANK  
AGNES FRANK  
PO BOX 457  
HOMEDALE ID 83628

SOURCE: GROUNDWATER

QUANTITY: 0.067 CFS

PRIORITY DATE: 03/31/1977

POINT OF DIVERSION: T03N R05W S04 SENWSW Within Owyhee County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE                     | PERIOD OF USE | QUANTITY  |
|-------------------------------|------------------------------------|---------------|-----------|
|                               | DOMESTIC DOMESTIC, OUTSIDE USE ONL | 04-10 10-15   | 0.067 CFS |

PLACE OF USE: DOMESTIC Within Owyhee County  
T03N R05W S04 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXD PARCEL NO. RPA0180001003A.  
AKA LOTS 7 & 8, BLOCK 2, METZER ADDITION.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

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JUN 06 1997

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-05-1996

PAGE: A-1

-----  
RIGHTS FROM: SOURCE: GROUNDWATER  
-----

RIGHT NUMBER: 57-10870

NAME AND ADDRESS: ELMER E FRANK  
AGNES FRANK  
PO BOX 457  
HOMEDALE ID 83628

SOURCE: GROUNDWATER

QUANTITY: 0.067 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY  
USED FOR DOMESTIC, OUTSIDE USE ONLY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 03/31/1977

POINT OF DIVERSION: T03N R05W S04 SENWSW Within Owyhee County

## PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE                                | PERIOD OF USE | QUANTITY  |
|----------------|-----------------------------------------------|---------------|-----------|
|                | DOMESTIC                                      | 04-10 10-15   | 0.067 CFS |
|                | <u>DOMESTIC USE IS FOR LAWN &amp; GARDEN.</u> |               |           |

PLACE OF USE: DOMESTIC Within Owyhee County  
T03N R05W S04 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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DETERMINATION OF HISTORICAL BENEFICIAL USE.

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PARCEL NO. RPA0180001003A.

PROPERTY IS ALSO KNOWN AS LOTS 7 &amp; 8, BLOCK 2, METZER ADDITION.

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JUN 06 1997

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

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 57-10870

NAME & ADDRESS: ELMER E FRANK  
AGNES FRANK  
PO BOX 457  
HOMEDALE ID 83628

SOURCE: GROUNDWATER

QUANTITY: 0.067 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 03/31/1977

POINT OF DIVERSION: T03N R05W S04 SENWSW Within Owyhee County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE        | PERIOD OF USE | QUANTITY  |
|-------------------------------|-----------------------|---------------|-----------|
|                               | DOMESTIC EXTERNAL USE | 04-10 10-15   | 0.067 CFS |

PLACE OF USE: DOMESTIC Within Owyhee County  
T03N R05W S04 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED:

\_\_\_\_\_  
DANIEL C. HURLBUTT  
PRESIDING JUDGE  
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED:

**JUN 06 1997**

\_\_\_\_\_  
DANIEL C. HURLBUTT  
PRESIDING JUDGE  
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)  
Water Right 57-10870

PAGE 1  
OCT-25-1996

IN 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

Identification No. 457-10870Date Received 10-8-91Receipt Number CO21966

OCT 08 1991

NOTICE OF CLAIM  
TO A  
WATER RIGHT

Department of Water Resources

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Mr. and Mrs. Elmer E. Frank Phone (208) 337-3739Mailing Address Box 457, Homedale, Idaho Zip 836282. Date of Priority (Only one per claim) March of 1977 Month/Day/Year3. Source of water supply (Check one) (X) Groundwater or Other ( ) (a) Well

Name or kind of source

which is tributary to (b) Snake River

Lots 7 and 8, Block 2, Metzger Addition, Homedale

4. Location of point of diversion is: Township 3N Range 5 WSection 4, SE 1/4 of NW 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_, BM.,County of Owyhee

Additional points of diversion if any: \_\_\_\_\_

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. 28 feet of 6 in. casing, which is perforated for 10 feet.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For lawn and garden purposes from April 10 to Oct 15 amount 30 gpm = .067 cfs  
(Both dates are inclusive) = 3.3 miner's in.

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

7. Total quantity claimed 0.067 (cfs)8. Total consumptive use claimed is de minimus approximately 0.8 acre feet9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) noneMICROFILMED  
OCT 06 1992

## HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 3 N Range 5 W  
Section 4, SE 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_, B.M.,  
for (Circle One) Domestic Stock Domestic and Stock  
Additional places of use, if any \_\_\_\_\_

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

12. Do you own the property listed above as place of use? Yes 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.  
(X) None or \_\_\_\_\_

14. Remarks: Water used for lawn and garden

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff vs Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number Well drilled March 1977

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do \_\_\_\_\_ do not 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) Elmer Frank Date Oct Sept. 7, 1991

Agnes Frank Date Oct Sept. 7, 1991

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

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

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of Owyhee ) SS.

**NOTARIZATION REQUIRED FOR EACH CLAIM**

Subscribed and sworn (or affirmed) before me this 7 day of Oct 19 91

SEAL

Notary Public Edna J. Grimes

Residing at Homedale

My Commission Expires 4-19-93

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

**MICROFILMED**  
**OCT 06 1992**

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

RECEIVED

Oct 10 1988

Information Sheet No. 42-1400 a 2/88

4/2/1989

## SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Franc, Elmer + Agnes CLAIM IDENT. NO. A57-10870DATE RECEIVED 10-8-1991 CK # 5859 C021966 AMOUNT \$ 25.00

- |                                                                                                                                                                                                                          | YES                                        | NO                       | Required Info? |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code?                                                                                                                                                                       | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| 2. Is a priority date entered?                                                                                                                                                                                           | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| Is the priority date acceptable in view of mandatory filing dates?                                                                                                                                                       | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| See Adjudication Memos #1 and #4 to determine if a Permit is required.                                                                                                                                                   | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| 3. (a) Is a source entered?                                                                                                                                                                                              | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| (b) Is a tributary to entered? (if required)                                                                                                                                                                             | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/> |                |
| 4. Is the legal description of the p.d. sufficient?                                                                                                                                                                      | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| 5. Is there a description of the diverting works?                                                                                                                                                                        | <input checked="" type="checkbox"/>        | <input type="checkbox"/> |                |
| 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.              | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| Is the period of use included?                                                                                                                                                                                           | <input checked="" type="checkbox"/>        | <input type="checkbox"/> |                |
| Is a quantity claimed for each use?                                                                                                                                                                                      | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| 7. Is a total quantity claimed entered?                                                                                                                                                                                  | <input checked="" type="checkbox"/>        | <input type="checkbox"/> |                |
| 8. If required is a consumptive use entered?                                                                                                                                                                             | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/> |                |
| Is the consumptive use correct?                                                                                                                                                                                          | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/> |                |
| 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. | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/> | *              |
| 10. Is (are) the place(s) of use and purpose(s) indicated?                                                                                                                                                               | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| 11. Is (are) the county(ies) entered?                                                                                                                                                                                    | <input checked="" type="checkbox"/>        | <input type="checkbox"/> |                |
| 12. Is the ownership of p.u. checked?                                                                                                                                                                                    | <input checked="" type="checkbox"/>        | <input type="checkbox"/> |                |
| 13. Are other water rights listed or "none" indicated?                                                                                                                                                                   | <input checked="" type="checkbox"/>        | <input type="checkbox"/> |                |
| 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.)                                                                  | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/> |                |
| 15. Is the basis of the claim indicated?                                                                                                                                                                                 | <input type="checkbox"/>                   | <input type="checkbox"/> |                |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)                                                                                        | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/> |                |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.                                                                                           | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| 18. Has the claim been signed, sealed, and dated by a notary?                                                                                                                                                            | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| 19. Was this claim filed on time, or was an extension granted?                                                                                                                                                           | <input checked="" type="checkbox"/>        | <input type="checkbox"/> | *              |
| 20. Is the fee enclosed correct?                                                                                                                                                                                         | <input checked="" type="checkbox"/> Exempt | <input type="checkbox"/> | *              |
| 21. If this claim is based on an existing water right, has the identification number been entered?                                                                                                                       | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/> |                |
| 22. Should this claim be data entered?                                                                                                                                                                                   | <input checked="" type="checkbox"/>        | <input type="checkbox"/> |                |

Claim checked by: S. Frayne Date: 10-10-91Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be notified of modifications: ☐ (Yes) ☒ (No)Receipt Prepared by: J. Yarbrough Date: 10-08-1991Claim data entered by: S. Frayne Date: 10-10-91Sent to claimant by: S. Frayne Date: 10-10-91Checked MICROFILMED Date: 10-10-91Comments: End 1 - fms mailed 10-14-88 + 11-23-88 respectively to Box 150  
get 6 1992



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS  
Governor

Feb. 22, 1989

R. KEITH HIGGINSON  
Director

[ELMER OR AGNES FRANKS  
P.O. Box 457  
[HOME DALE, ID 83628]

Dear Claimant(s):

This office has received the Notice of Claim(s) to a Water Right for the use of water within the Snake River Drainage Basin. However, due to the items checked below, we cannot process this claim. We are returning the claim to you, along with your Check No. 4822 in the amount of \$ 35 for the adjudication filing fee. If your water use is for either domestic or stockwater, please read the enclosed brochure entitled, "Small Domestic and Stockwater Right Claims in the Snake River Basin Adjudication" prior to completing the item(s) checked below.

\_\_\_\_ Fee - No fee received or inadequate fee received, fee due is \_\_\_\_.  
See enclosed fee schedule for computation of fees.

\_\_\_\_ Late Notice of Claim - Claim has been received after filing deadline for \_\_\_\_ County. This date was \_\_\_\_\_. See enclosed Late Fee Notice.

X Item No. 2 - Date of priority - date water was first put to beneficial use. PLEASE PUT MONTH & DAY ALSO, IF UNKNOWN WE WILL PUT JUNE 30.

\_\_\_\_ Item No. 3 - Source of Water

X Item No. 4 - Point of Diversion - must be shown by quarter-quarter (40 acre tract), section, township and range, except for spring sources which should be shown by quarter-quarter-quarter (10 acre tract), section, township and range. Lot and block for a subdivision are not acceptable as the legal description for the point of diversion, however, please include this information in the remarks section of your claim.

\_\_\_\_ Item No. 6 - Uses of Water

\_\_\_\_ Item No. 9 - Non-Irrigation Uses

X Item No. 10 - Place of Use - must be listed by quarter-quarter (40 acre tract), section, township, and range. Lot and block for subdivision are not acceptable as the legal description for the place of use, however, please include this information in the remarks section of your claim.

X Item No. 16 - Signature - this claim form does requires your signature be affixed and notarized by a notary public. Note, the notary public signs below the signature blocks listed in this item.

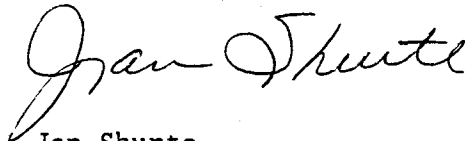
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X Other: THE DUYHKE COUNTY ASSESSOR'S OFFICE MAY  
BE ABLE TO ASSIST YOU IN LOCATING WHICH 1/4 1/4  
SEC., TWP., & RGE., LOT 8, BLOCK 2, METZER ADD. IS IN.

If your uses are for domestic or stockwater and after reading the enclosed brochure you have decided to file the claim(s), please complete the above item(s) on your claim form(s) and return the claim(s), with the fee, to our office prior to the deadline date for filing adjudication claims in your county. If you are returning a claim form which was received in our office, with the fee, by the deadline for your county, then as long as the corrected claim and fee are returned within 30 days of the date of this letter, no late fee will be charged. If your deadline is upcoming, please try to return the corrected claim by that date. The deadline date for your county is 3/1/89. If you do not wish to file your claim(s), no further correspondence is needed.

Please feel free to contact this office if you have any questions concerning this letter.

Sincerely,



Jan Shurte  
Water Rights Supervisor  
Adjudication Section

JS:lh  
Enclosures

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OCT 06 1992

Form No.



ELMER E. FRANK 564 12 3299  
MRS. ELMER E. FRANK 540 07 1822  
BOX 457 337-3739  
HOMEDALE, ID 83628

4822

92-1/1241

17 Jan 1989



Idaho Dept of Water Resources  
Twenty five

\$ 25.00

Dollars

IN RE  
OF RIC  
THE S



IDAHO FIRST NATIONAL BANK  
HOMEDALE OFFICE 32  
P.O. Box 157  
Homedale, Idaho 83628

For

Elmer E. Frank

⑆124100019⑆ 110032410177⑈ 8220

INTERCHECKS INC. — HERITAGE

## WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Department of Water Resources  
Western Regional Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Elmer and/or Agnes Frank Phone (208) 337-3739

Mailing Address P.O. Box 457, Homedale, Idaho 83628 Zip

2. Date of Priority (Only one per claim) Summer of 1976 Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other ( ) (a)

Name or kind of source

which is tributary to (b)

4. Location of point of diversion is: Township Lot 8 Block 2 Range Metzer addition to Homedale, Id

Section , 1/4 of 1/4 of 1/4, Govt. Lot, BM.,

County of Owyhee

Additional points of diversion if any:

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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.

Well, 6 inch casing, 28 feet deep

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1/1 Month/Day to 12/31 Month/Day amount .04 (cfs)

(Both dates are inclusive)

For  purposes from  to  amount

7. Total quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 household, no livestock

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Copies of claims are  
Snake River Basin  
parties

IN THE

Lot 8 Block 2, Homedale, Idaho, Metzger addition

Relationship: \_\_\_\_\_ Range \_\_\_\_\_

1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, B.M.,

County of Owyhee for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any \_\_\_\_\_

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

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.  
\_\_\_\_\_

14. Remarks: \_\_\_\_\_

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff vs Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Elmer Frank Date Jan. 17, 1989

Agnes Frank Date Jan. 17, 1989

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

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

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

SEAL

Notary Public \_\_\_\_\_

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

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12/19/1988

## SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Frank Elmer

CLAIM IDENT. NO.

DATE RECEIVED

1-18-89

CK #

4822

AMOUNT \$

25

- |                                                                                                                                                                                                                                                     | YES                                 | NO                                  | Required Info? |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? . . . . .                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 2. Is a priority date entered? . . . . .                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| Is the priority date acceptable in view of mandatory filing dates? . . . . .                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 3. (a) Is a source entered? . . . . .                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| (b) Is a tributary to entered? (if required) . . . . . N/A                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 4. Is the legal description of the p.d. sufficient? . . . . .                                                                                                                                                                                       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | *              |
| 5. Is there a description of the diverting works? . . . . .                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 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. . . . .                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| Is the period of use included? . . . . .                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| Is a quantity claimed for each use? . . . . .                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 7. Is a total quantity claimed entered? . . . . .                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 8. If required is a consumptive use entered? . . . . . N/A                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| Is the consumptive use correct? . . . . . N/A                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 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                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 10. Is (are) the place(s) of use and purpose(s) indicated? . . . . .                                                                                                                                                                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | *              |
| 11. Is (are) the county(ies) entered? . . . . .                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 12. Is the ownership of p.u. checked? . . . . .                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 13. Are other water rights listed or "none" indicated? . . . . .                                                                                                                                                                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                |
| 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                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 15. Is the basis of the claim indicated? . . . . .                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 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?) . . . . . | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 17. Has the claim been signed, sealed, and dated by a notary? . . . . .                                                                                                                                                                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | *              |
| 18. Was this claim filed on time, or was an extension granted? . . . . .                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 19. Is the fee enclosed correct? . . . . . Exempt                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *              |
| 20. If this claim is based on an existing water right, has the identification number been entered? . . . . . N/A                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                |
| 21. Should this claim be receipted and data entered? . . . . .                                                                                                                                                                                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                |

Claim checked by:

LW

Date:

1-24-89Claim must be returned to claimant: ☐ (Yes) ☐ (No)Claimant must be sent a copy of amended claim for approval: ☐ (Yes) ☐ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked

Date:

Comments:

No legals, No notary

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OCT 06 1992

WATER RIGHT NUMBER - A57-10870

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - - LAST NAME - - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
FRANK

ELMER E

1 - PO BOX 457

2 -

3 -

CITY- HOMEDALE

STATE- ID ZIP- 83628

PHONE - 208-337-3739

FRANK

AGNES

1 - PO BOX 457

2 -

3 -

CITY- HOMEDALE

STATE- ID ZIP- 83628

PHONE - 208-337-3739

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +  
03/31/1977 14 WESTERN J - BENEFICIAL USE+ - - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +  
GROUNDWATER+ - - - - - POINT OF DIVERSION - - - - - +  
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

03N 05W 4 SE NW SW (73) OWYHEE

+ - - - - - WATER USE - - - - - +  
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC 04/10 10/15 0.067

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +  
0.067 0.0+ - - - - - PLACE OF USE - - - - - +  
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

03N 05W 4 SE NW 43 DOMESTIC (73) OWYHEE

+ - - DIVERSION MEANS - 28' OF 6" CASING, WHICH IS PERFORATED FOR 10'

+ - - NON-IRRIGATION USE - NONE

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +  
WATER USED FOR LAWN AND GARDEN+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +  
NO OLD WATER RIGHT NUMBERS FOUND.+ - - - - - CONDITIONS OF APPROVAL - - - - - +  
NO CONDITIONS OF APPROVAL FOUND.

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PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - DECREE DATE - +  
00/00/0000

+ - - - - - COMMENTS - - - - - +  
NO COMMENTS FOUND

|                       |              |                       |              |                         |         |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| COURT REPORT FILING   | - 00/00/0000 | FIELD INSPECTION MADE | - 00/00/0000 | CIVIL CASE NUMBER       | - 39576 |
| OBJECTION FILED DATE  | - 00/00/0000 | FIELD INSPECTION FLAG | -            | OLD CASE NUMBER         | -       |
| RESPONSE FILED DATE   | - 00/00/0000 | VERIFIED DATE         | - 00/00/0000 | OLD JUDICIAL DISTRICT   | -       |
| CLAIM RECEIVED DATE   | - 10/08/1991 | LAST AMENDED DATE     | - 00/00/0000 | TEMPORARY RIGHT         | - P     |
| PROOF DUE DATE        | - 00/00/0000 | PROOF MADE DATE       | - 00/00/0000 | WATER DISTRICT          | -       |
| LICENSED DATE         | - 00/00/0000 | RECEIPT NUMBER        | - C021966    | FEDERAL/STATE INDICATOR | - S     |
| CLAIMS TAPE ERROR FLG | -            | POU OWNERSHIP FLAG    | - Y          | PRESUMPTION FLAG        | -       |
| FEE EXEMPT FLAG       | -            | NAME CONNECTOR        | - AND        | NOTICE OF ERROR FLAG    | -       |

py nwsu

ENTERED 11/6/91 CWT  
CHECKED 12/31/91 AK

**"Verified By"**  
**Topo Map/Ortho-PQ**  
**ASCS Map**  
**Watermaster Records**  
**NAPP Photos**  
**Field Exam**  
**Other (See Remarks)**  
**County Records**  
**Witness Statement**  
**Project Records**  
**IDWR Records**

VERIFIED  
NOV 03 1991

CERTIFIED  
NOV 4 1991  
WATER EXAMINER

**MICROFILMED**  
**OCT 06 1962**

October 10, 1991

Re: Snake River Basin Adjudication (SRBA)  
Owyhee County - Receipt No. C021976

Dear Mr. Mr. and Mrs. Frank,

Your Notice of Claim form referenced above has been received, but postmarked after the original filing deadline for Owyhee County. This March 1, 1989, deadline was noted on the Commencement Notice you were mailed in 1988. The statutes governing the adjudication provide that late fees be assessed to encourage prompt filing of the Notices of Claims. Idaho Code §42-1409(8) sets these fees at \$50.00 or 15% whichever is greater. The late fees applicable to your claim would be \$50.00. If you feel you have a compelling reason for not complying with this deadline you may request an extension of time and waiver of the fees. I have enclosed a form for your possible use in this matter.

We will suspend for 15 days the processing of your claim until the late fees are paid or waived. The claims will be returned and a refund of the fees paid under Receipt #C021976 will be started after 15 days and your fees refunded unless an extension is filed or late fees are paid as set forth above.

Do not hesitate to contact this office if you have any questions or concerns.

Sincerely,

Roxanne McCarthy  
Sr. Water Resource Agent  
Adjudication Bureau

RMC:rm:state  
Enclosures:  
Receipt  
Request for Extension

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OCT 06 1991