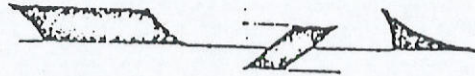


COUNTRY ESTATES SUBDIVISION

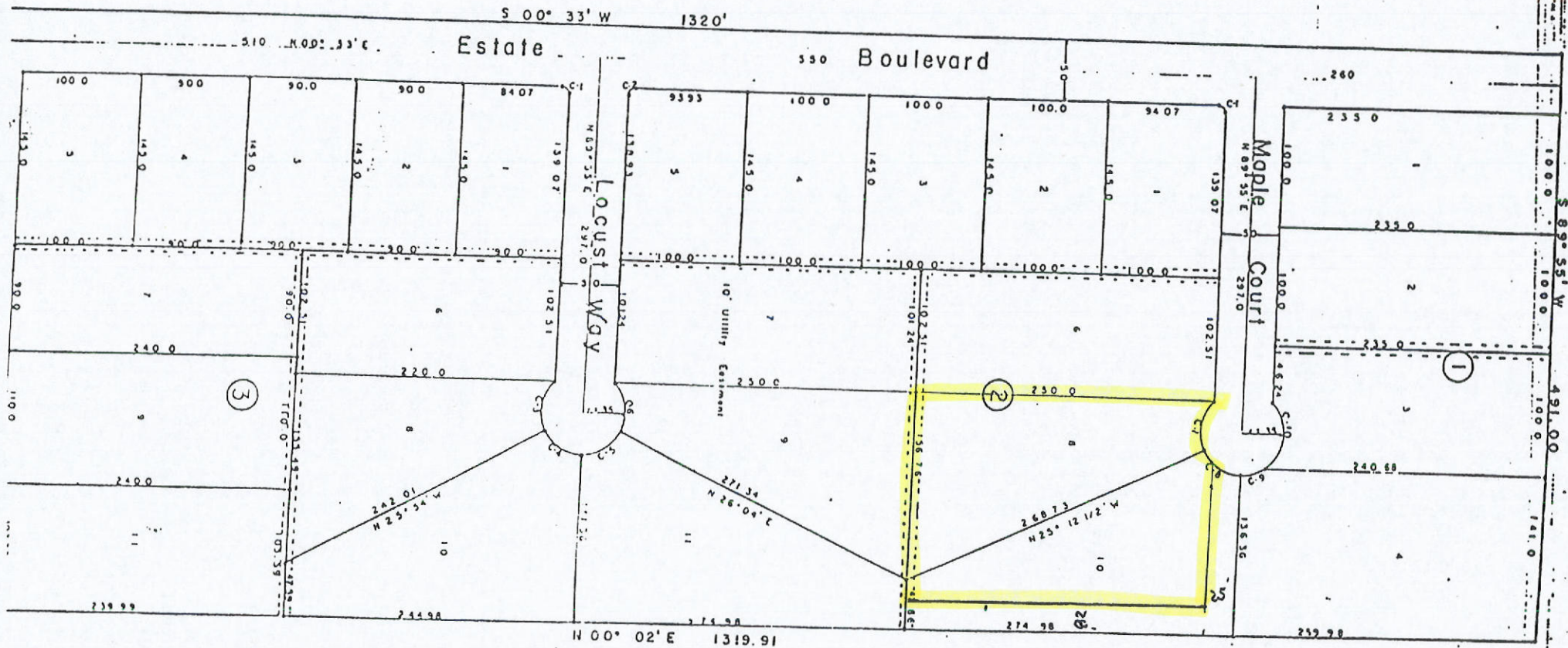
A. Portion of Government Lot 8
 Section 14, Township 8 North, Range 5 West,
 Boise Meridian

CURVE TABLE

Curve	Interior Angle	Radius	Length	Long Chord
C-1	89° 22'	6'	9.38'	8.94'
C-2	90° 38'	6'	9.49'	8.93'
C-3	70° 14 3/4'	35'	42.90'	40.20'
C-4	64° 01'	35'	39.10'	36.40'
C-5	63° 51'	35'	39.00'	37.02'
C-6	80° 33 1/2'	35'	42.20'	43.26'
C-7	69° 33'	35'	42.48'	39.93'
C-8	64° 32 1/2'	35'	39.62'	37.33'
C-9	53° 26 1/4'	35'	20.82'	20.44'
C-10	100° 39 1/4'	35'	61.87'	54.19'



scale: 1" = 60'

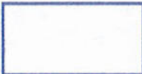


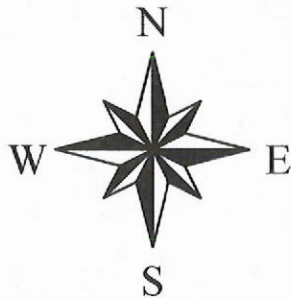
Idaho Department of Water Resources

Claim Number: 65-12156

Legal: T08N, R05W, S14

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



1987 Napp Photo

0 0.25 0.5 Miles



1. Name of permit holder Frank Franek
Post office address Rt 2, Fruitland, Id Phone _____
Person to contact _____ 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 0.04 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from 3-1 to 10-31
(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: _____

DEC 1 1978
Department of Water Resources
Western Regional Office

Examination for b/c Permit No. 105-12156

Permit No. 103-12136
Examination for b/c

4. Total amount to be appropriated:
- Max Rate of Diversion 0.04 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 8N N/S, Range 5W E/W, B.M., Section 14, Subdivision SE $\frac{1}{4}$ SW $\frac{1}{4}$, Payette County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions:

Description of diverting works: pump + sprinkler system

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE

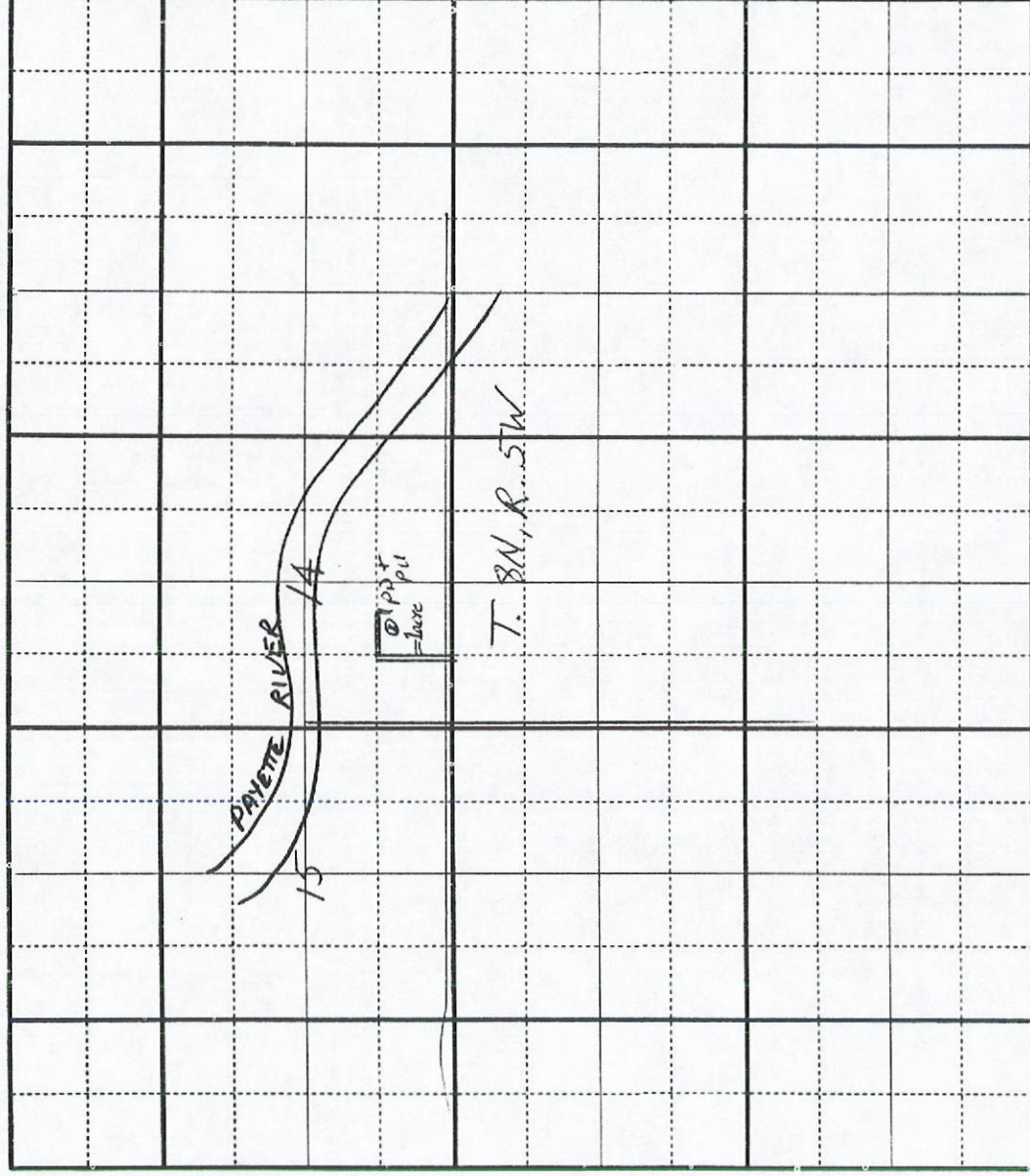


Diagram of System

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: A65-12156
Date Received: 2/27/1990
Receipt No: C015081
Received By: ~~QAS~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK FRANEK 208-452-4931
Address: 2139 MAPLE COURT
FRUITLAND, ID 83619

OR

Name: DAISY FRANEK 208-452-4931
Address: 2139 MAPLE COURT
FRUITLAND, ID 83619

2. Date of Priority: NOV 28, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	05W	14	NW	SE	SW		PAYETTE

5. Description of diverting works:

WELL 65' X 8" CAS., 2HP PUMP, W/2" PIPE, SPRK. 2 SEC 17HD, 2 SEC 18HD., PAST

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		4.50

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or) 4.50 A.F.A.

8. Total consumptive use is 3.5 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	05W	14	SE	SW		IRR	1.0
Section Acres							1.0
Total Acres							1.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
N/A

14. Remarks:

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): *Frank French* Date: 2-27-90
Daisy French Date: 2-27-90

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of Feb 1990
Donald E. Suthy
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

03/15/2002

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

RIGHT NUMBER: 65-12156
NAME AND ADDRESS: ALBERT E SMITH
2139 MAPLE CT
FRUITLAND ID 83619

MARTHA E SMITH
2139 MAPLE CT
FRUITLAND ID 83619

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.04 CFS
4.5 AFY

PRIORITY DATE: 11/28/1978

POINT OF DIVERSION:

T08N R05W S14 NWSESW Lot 8 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 10/31	0.040 CFS 4.50 AFY

PLACE OF USE: IRRIGATION Within PAYETTE County

T08N R05W S14 Lot 8 SESW 1.0

1 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE

EXPLANATORY MATERIAL: License

**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

Water Rights: 65-12156

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer

- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 18, 2002



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 18, 2002, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

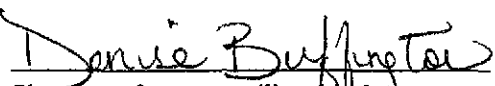
3. Copies to all parties to the subcase:

Daisy Franek (Former Owners)
Frank Franek
2139 Maple Ct
Fruitland ID 83619

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Albert E Smith (Current Owners)
Martha E Smith
2139 Maple Ct
Fruitland ID 83619

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAR 15 2002

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
\$25 → 65-8996					
No fee →	65-12156				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Daisy Franek Frank Franek
2139 Maple Crt. Fruitland, Id. 83619
4. New Owner/Claimant(s) Albert Smith Martha Smith
 Name Connector (Check one). ☐ and, ☒ or, ☐ and/or
- New Mailing Address 2139 Maple Court
- City, State and ZIP Code Fruitland Idaho 83619
- New Telephone Number (208) 452-7420
5. Date you acquired the property 02-25-02

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by OB Date 3-15-02 Fee \$25-
 Received by OB Date 3-15-02 Receipt No. W028895
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

MAR 15 2002

WATER RESOURCE
WESTERN REGION

PERSONAL REPRESENTATIVE'S DEED

For Value Received, LAVINA FEHLMAN, the duly appointed qualified and acting Personal Representative of the Estate of FRANK FRANEK, Deceased, pursuant to appointment by the Magistrate Division of the District Court of the Third Judicial District in and for Payette County, State of Idaho, the Grantor(s), do(es) hereby grant, bargain, sell and convey unto ALBERT E. SMITH AND MARTHA E. SMITH, HUSBAND AND WIFE, the Grantee(s), of PO BOX 508, FRUITLAND, IDAHO 83619, all right, title and interest of the said estate in and to the following described premises, located in the County of Payette, State of Idaho, to-wit:

IN THE AMENDED PLAT OF COUNTRY ESTATES SUBDIVISION, AS PER PLAT IN BOOK 3, PAGE 22, PLAT RECORDS, PAYETTE COUNTY, IDAHO:
IN BLOCK 2: LOT 10, SAVE AND EXCEPTING THE NORTH 25 FEET AND THE EAST 28 FEET THEREOF; AND LOT 8.

TO HAVE AND TO HOLD, the said premises with their appurtenances unto the said Grantee(s), he/she/they their heirs and assigns forever. And said Grantor(s) do(es) hereby covenant to and with the said Grantee(s) that the property is free from all encumbrances excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing, and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

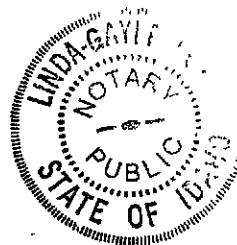
Dated: FEBRUARY 25, 2002

Lavina Fehlman Personal Representative
LAVINA FEHLMAN Personal Representative
of the Estate of FRANK FRANEK

STATE OF IDAHO)
 ss.
County of Payette)

On this 25TH day of FEBRUARY, 2002, before me, a notary public in and for said State, personally appeared LAVINA FEHLMAN, known to me to be the person(s) whose name(s) are/is subscribed to the within instrument as Personal Representative and acknowledged to me that she executed the same in her official capacity as Personal Representative of the said estate.

Linda Gayle Fox
LINDA-GAYLE FOX Notary Public
Residing at: PARRIS, IDAHO
Comm. Expires: 02/15/2008



Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

BY

Gary L. Keruett

PRESIDENT

ATTEST

Mark R. Arsen

SECRETARY

J 1556223

Richard F. [Signature]

Order No. FA- 14813

Policy No. J 1556223

**ALTA Owner's Policy
(6-1-87)
Schedule A**

SCHEDULE A

Form No. 1402.92 (10/17/92)

Amount of Insurance \$105,000.00

Premium \$620.00

Date of Policy: February 25, 2002 at 3:38 pm

1. Name of Insured:

Albert E. Smith and Martha E. Smith

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

Albert E. Smith and Martha E. Smith, husband and wife

4. The land referred to in this policy is described as follows:

**In the AMENDED PLAT OF COUNTRY ESTATES SUBDIVISION, as per Plat in Book 3,
Page 22, Plat Records, Payette County, Idaho:**

**In Block 2: Lot 10, SAVE AND EXCEPTING the North 25 feet and the East 28 feet
thereof; and Lot 8.**

SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

SECTION 1

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.**
- 2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.**
- 3. Easements, claims or easement or encumbrances which are not shown by the public records.**
- 4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.**
- 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.**
- 6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.**

SECTION 2

- 7. Taxes for 2002 are an accruing lien not yet due and payable.**

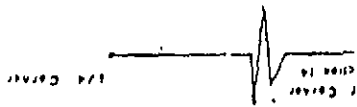
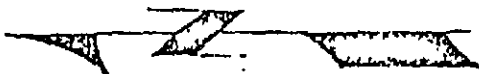
CONTINUED

EXCEPTIONS FROM COVERAGE CONTINUED

- 8. Regulations of Farmers Co-operative Irrigation Co. Ltd., within which the above property lies, or all other Irrigation district, laterals that the above property lies, including levies, assessments, water and irrigation rights and easement for ditches and canals as provided by law.**
- 9. Right-of-way granted Lewis Lateral Co. Ltd., recorded in Book K of Deeds at Page 162, Deeds Records, Payette County, Idaho.**
- 10. An Easement over said land in favor of Idaho Power Company for pole lines and incidental purposes as set forth in an instrument recorded October 9, 1947 in Book 4 of Miscellaneous at Page 255, Official Records.**
- 11. An Easement over said land in favor of Lewis Lateral Company, Ltd., for the purposes of maintaining and operating an irrigation canal or pipeline and incidental purposes within the right-of-way limits of certain County roads adjacent to said property by an instrument recorded March 8, 1955 in Book 4 of Bonds and Agreements at Page 618, Official Records.**
- 12. Covenants, conditions and restrictions in an instrument recorded April 3, 1964 as Instrument No. 120051, Official Records. Amended by agreement recorded November 6, 1966 by Instrument No. 125781, Official Records.**
- 13. Easements, reservations, restrictions and dedications, if any, as shown on the official plat of said Subdivision**

COUNTRY ESTATES SUBDIVISION

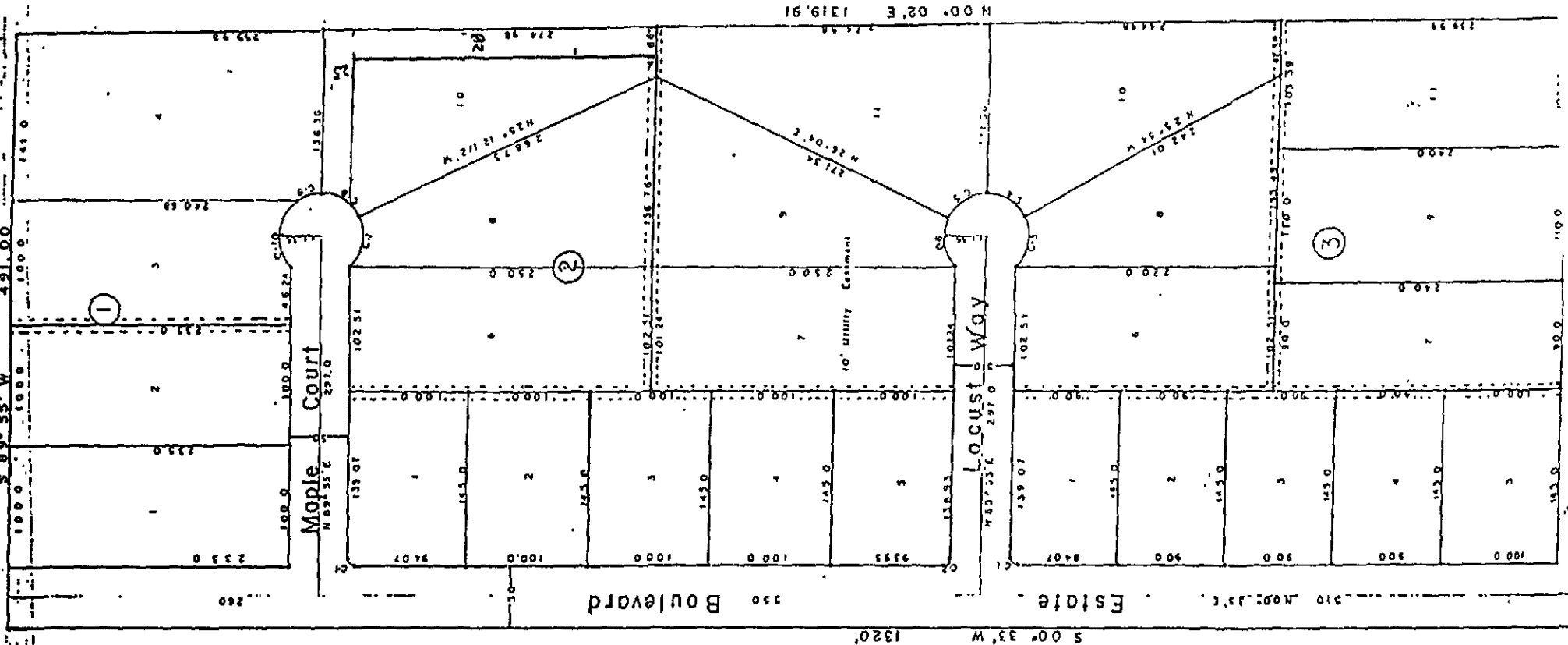
A. Portion of Government Lot 8
 Section 14, Township 8 North, Range 5 West,
 Bolte Meridian



Scale: 1" = 60'

Curve	Radius	Length	Area
C-1	89.27	8.36	8.44
C-2	90.38	8.45	8.53
C-3	70.14	6.90	6.98
C-4	64.01	5.10	5.10
C-5	63.51	5.00	5.00
C-6	80.35	7.27	7.27
C-7	69.13	6.58	6.58
C-8	65.58	5.72	5.72
C-9	137.26	12.16	12.16
C-10	107.38	9.16	9.16

TABLE



Pending in Adjudication

SRBA

DIRECTORS REPORT 65-12156

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 65-12156

Name and Address: DAISY FRANEK
FRANK FRANEK
2139 MAPLE COURT
FRUITLAND, ID 83619

Source: GROUND WATER

Quantity: .04 CFS
4.50 AFY

Priority Date: 11-28-1978

Diversion Point: T08N R05W S14 LOT 8 (NWSESW) Within Payette County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	03-01 TO 10-31	.04 CFS 4.50 AFY

Place of Use: Irrigation Within Payette County
T08N R05W S14 LOT 8 (SESW) 1
1 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

[Return to SRBA Home Page](#)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 65-12156 Priority November 28, 1978 Amount 0.04 cfs

THIS IS TO CERTIFY, that FRANK FRANEK
of Fruitland, Idaho, has complied with the terms and conditions of Permit
No. 65-12156 issued pursuant to Application for Permit dated August 1, 1978,
and has submitted proof to the Department of Water Resources on November 28, 1978,
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 0.12 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
Irrigation	from <u>March 1</u> to <u>October 31</u>	at <u>0.04</u> cfs and	<u>4.5</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 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
4.5 acre feet per year, said waters to be diverted within the SE 1/4 SW 1/4, Sec. 14, Twp. 8N,
Rge. 5W, B.M. in the County of Payette

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	
8N	5W	14																	1

Total number of acres irrigated 1

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 14 day of
August, 19 79.

Deputy Director

MICROFILMED

SEP 24 1992

Don

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

RESORTS
FIRST CLASS



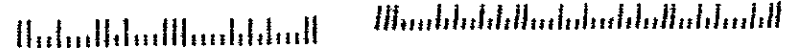
65-12154

RECEIVED
MAR 25 2002
WATER RESOURCES
WESTERN REGION

FRANK &/OR DAISY FRANEK
2139 MAPLE CT
FRUITLAND ID 83619

FRAN184 856142010 1302 05 03/21/02
RETURN TO SENDER
FRANEK, FRANK
137 SE 4TH AVE
ONTARIO OR 97914-2836
RETURN TO SENDER

AAAGTMSA3753/5082



Sent Again

3/25/02



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 18, 2002

ALBERT E SMITH
MARTHA E SMITH
2139 MAPLE CT
FRUITLAND ID 83619

RE: Water Right No. 65-12156

Dear Property Owners:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB: db

Enclosures

cc: Frank & Daisy Franek

11/13/2000

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

RIGHT NUMBER: 65-12156

NAME AND ADDRESS: DAISY FRANEK 208-452-4931
FRANK FRANEK
2139 MAPLE COURT
FRUITLAND, ID 83619

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
4.5 AFY

PRIORITY DATE: 11/28/1978

POINT OF DIVERSION: T08N R05W S14 NWSESW Within PAYETTE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-01 10-31	0.04 CFS 4.5 AFY

PLACE OF USE:

IRRIGATION Within PAYETTE County
T08N R05W S14 SESW 1
1 ACRES TOTAL

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

**THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL
PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR
FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS
MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN
TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE.
SECTION 42-1412(6), IDAHO CODE.**

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

4/26/01

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FRANK FRANEK
2139 MAPLE CT
FRUITLAND ID 83619

RE: Notice of error reply to right No.: 65-12156

Dear Frank,

I am responding to your Notice of Error and letter dated 4/17/01.

I have enclosed two documents showing Idaho Department of Water Resources records for your water rights 65-12156 & 65-08996.

Water right 65-12156 is a prior licensed right you had acquired under the department's normal statutory permit requirements. It is now in the process of being recommended in the Snake River Basin Adjudication for decree. This means that the Snake River Basin Adjudication court has the authority to decide or officially issue a decree for this water right. This will elevate the status of the license to a decreed status when decreed. Decree is the highest type of water right you can obtain in Idaho.

The Snake River Basin Adjudication court shall soon look at this right and we hope they will decree it the same as Idaho Department of Water Resources has recommended.

Water right 65-08996 was recommended earlier to the court by Idaho Department of Water Resources and has been decreed by the Snake River Basin Adjudication court on 10-23-1998. The reason 65-08996 was recommended earlier because the department reviewed Domestic uses first. (This Domestic right allows up to 1/2 acre of irrigation)

Right 65-12156 was for only irrigation and was set-aside until now where we just recently have reviewed it to be recommended to the court.

If you have any questions regarding this letter and/or any other part of the recommendation please don't hesitate to write again and/or call me.

Sincerely,

Ron Howerton
Senior Water Right Agent
Western Region 334-2190

Enclosures



James Hardie Gypsum

A James Hardie Company

201
4/17/01

My attempt to Contact &
Get Answers, didn't work
on 4/17/01. My Concern
is that I have to keep
What I have Always
had.

I do not hear well
on the Phone.

Enclosed is What
I had in 1990 & I
still have the same
Water needs.

RECEIVED

APR 19 2001

Gypsum Wallboard and Plaster Products

**WATER RESOURCES
WESTERN REGION**

Las Vegas
1-800-659-5358
(702) 875-4111
Fax (702) 875-4213

International Export Department
Telephone (206) 241-4426
Fax (206) 246-3396

Seattle
1-800-426-3669
(206) 763-1550
Fax (206) 763-4655

**James Hardie Gypsum**

A James Hardie Company

Please tell me what
decreed means & also
why one water right
has been decreed & the
other one hasn't.

Frank Flanek

FRANK FLANEK
2139 MAPLE COURT
FRUITLAND, ID 83619
452-4139

Gypsum Wallboard and Plaster Products

Las Vegas
1-800-659-6366
(702) 975-4111
Fax (702) 875-4213

International Export Department
Telephone (206) 241-4426
Fax (206) 246-3396

Seattle
1-800-426-3669
(206) 763-1550
Fax (206) 763-4655

03/07/2001

RECEIVED

MAR 19 2001

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-12156

DAISY FRANEK
2139 MAPLE COURT
FRUITLAND ID 83619
Telephone Number: (208)452-4931

FRANK FRANEK
2139 MAPLE COURT
FRUITLAND ID 83619
Telephone Number: (208)452-4931

RECEIVED

MAR 16 2001

Department of Water Resources

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*I have 2 lots, Water right # A65-12156 & # A65-08996.
& in the material you sent me Only A65-12156 is
listed.*

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 3/15/01

SIGNATURE: *Frank Franek*

Please print your name: FRANK FRANEK

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

*Also I irrigate by Wells, & also my yard
is irrigated by use of well, & I have a
Well for my home. Total of 2 Wells.*

AGENT'S MASTER FORM

Agent: Ron H

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:27:46
05/26/00
1210

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-12156

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANK FRANEK	11/28/1978	IRRIGATION	03-15 11-15	0.040 CFS	4.50 AFA
C	DAISY FRANEK					
TOTAL DIVERSION:					0.040 CFS	4.50 AFA
CONSUMPTIVE USE:						3.50 AFA

Water Source: GROUNDWATER

Tributary to:

Point(s) of Diversion: T08N R05W S14

NWSESW

Stage: LICENSE

PAYETTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
08N	05W	14	:																	:	1.0
																				TOTAL ACRES	1.0

POU County: PAYETTE

Non-Irrigation Uses: STOCKWATER INCIDENTAL TO IRRIGATION

Other Rights: N/A

Dates: Exam Made Date:

Verified Date: 07/23/1985

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

218

to
COMMENTS

VERIFIED BY LUC E,
1994 TAX INFO
PARCELS: 002266000
002266002

WR5809NP
No. 65-12156

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/07/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANK FRANEK FRUITLAND ID	11/28/1978	IRRIGATION	03/01 10/31	0.040 CFS	4.50 AFA
TOTAL DIVERSION:					0.040 CFS	4.50 AFA

Note: CLAIMED diff. SEASON (CHG)

Water Source: GROUNDWATER Tributary to: Stage: LICENSE
Point(s) of Diversion: T08N R05W S14 NW SESW PAYETTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
08N	05W	14	:					:					:				01	:					:	1.0
TOTAL ACRES																							1.0	

Pou County: PAYETTE

Dates: App. Received: Priority Date: 11/28/1978
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date: 01/11/1980

Misc: Water District Number: Field Exam Fee:

Audit: 07/23/85 04/30/88 CONVERT 07/17/91 BILBAO

PARCEL NOS. 002266000
 002266002

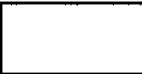
Pou VERIFIED By TAX PARCEL
E LIC MAP

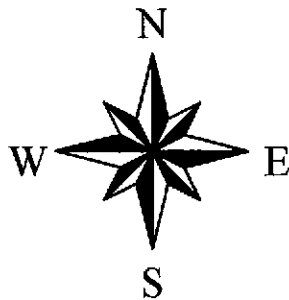
Idaho Department of Water Resources

Claim Number: 65-12156

Legal: T08N, R05W, S14

Reviewed By:

- ⊙ Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



WATER RIGHT LICENSE

Deputy Director

MICROFILMED

FIELD REPORT

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

Other uses _____

Max Rate of Diversion 0.04 cubic feet per second and annual volume _____ AF/Annum

Township 8N N/S, Range 5W E/W, B M., Section 14, Subdivision SE $\frac{1}{4}$ SW $\frac{1}{4}$, Page #
County _____

Township _____ N/S, Range _____ E/W, B M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County _____

Township _____ N/S, Range _____ E/W, B M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County _____

Other Points of Diversions

Description of diverting works: pump + sprinkler system

Measuring device required yes ☐ no ☒

6 Lands to be irrigated or place of use

[illegible]

TOTAL ACREAGE _____ 1 _____

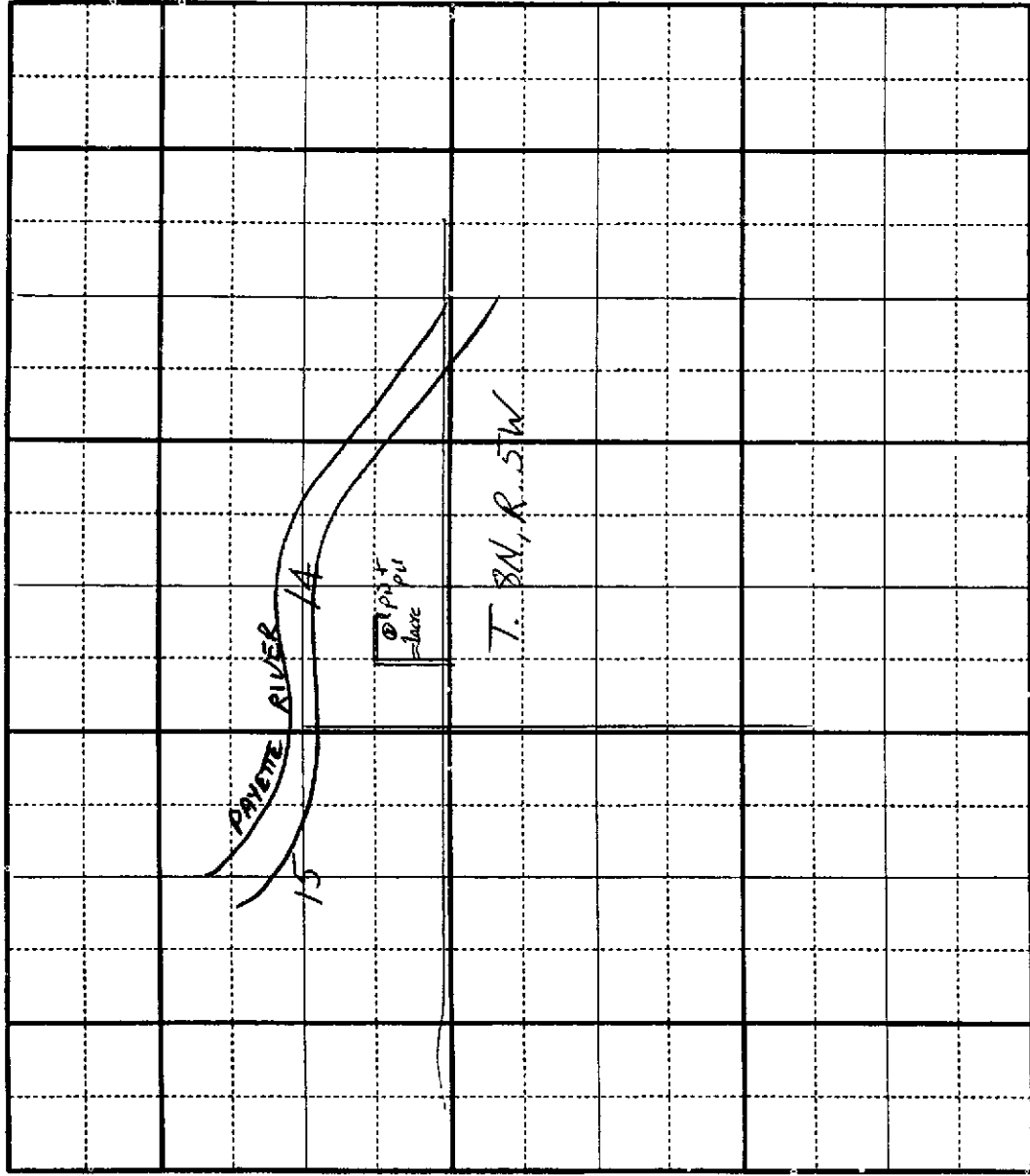


Diagram of System

DATE OF EXAM 6/25/79

ACREAGE

Found 1
Recommended 1

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = .04 c.f.s. V = 4.5 AF/Ann from 3/1 to 10/31
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 ✓

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 0.12 cfs (see figures) Method of measurement DIRECT MEASUREMENT

Total Q recommended .04 cfs Meter No _____ Type _____ Condition _____

Total V recommended 4.5 AF/Ann

Recommended Amendments.

P D _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION

$Q = 2.4 \text{ in } (80\% \text{ eff}) (8.8) / 30 \text{ ft. } (1/2 \text{ in.}) + 40' \text{ lift} = .13 \text{ cfs?}$
 $5.38 \text{ gpm} / 1/2 \text{ in. nozzle @ } 30 \text{ psi}$
 $Q = 10 \text{ minutes } (5.38 \text{ gpm}) (.002228) = .12 \text{ cfs?}$ Direct Measurement
 $V = .12 \text{ cfs } (1.58) (213 \text{ deg } / \text{ hr}) = 50.6 \text{ AF/Ann}$

SYSTEM DESCRIPTION:

8" X 6.5' WELL, 2 hp
2.0" LINE TO 29 - 1/2" TO 3/4" LINES TO SPRINKLERS, 3/4" NOZZLE RR
4 - 3/4" HOSE OUTLETS ALSO, 30 TO 60 PSI, 7 - 3/4" @ 30 PSI
NORMALLY 10 3/4" NOZZLE APPROX 30 PSI
1/4 ACRE LOT, HOUSE + DRIVE TAKE UP 1/4 ACRE

REMARKS:

Examiner's Signature Charles W. Bryan Jr. Date 6/27/79

Checked by William J. [Signature] Date 3/6/1979

Approved by _____ Date _____

A. ROOT WATER RIGHT NUMBERS: A65-12156

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	05W	14	SE	SW		FRANEK, FRANK	A65-12156 /	1.0	65-12156 /		1.0
			SE	SW		LINDLEY, GEORGE	A65-21349 /	-	/		
			SE	SW		SOUTHERN IDAHO CORPORATION OF	A65-04549 /	65-04549 /			
			SE	SW		SOUTHERN IDAHO CORPORATION OF	65-04549 /	-	/		
			SE	SW	8	JENNINGS, SARAAE	A65-21298 /	-	/		
			SE	SW	8	MC CONKEY, W L	65-04081 /	-	/		
			SE	SW	8	FARMERS COOPERATIVE IRRIGATION	A65-00066 /	10.0	65-00066 /		10.0
			SE	SW	8	FARMERS COOPERATIVE IRRIGATION	A65-00067 /	10.0	-	/	
			SE	SW	8	SHARP, HELEN	65-08994 /	-	/		
			SE	SW	8	JENNINGS, WILLIAM R	A65-06077 /	-	/		
			SE	SW	8	SHANNON, ROBERT	R65-21552 /	-	/		
			SE	SW	8	HENDRICKS, SCOTT	A65-21337 /	-	/		
			SE	SW	8	JENNINGS, SARAAE	65-21298 /	-	/		
			SE	SW	8	RHINEHART, EUGENE A	65-05836 /	-	/		
			SE	SW	8	JENNINGS, SARAAE	65-06077 /	-	/		
			SE	SW	8	FARMERS COOPERATIVE IRRIGATION	A65-02927F /	10.0	-	/	
			SE	SW	8	HENDRICKS, SCOTT	65-21337 /	-	/		
			SE	SW	8	HALL, RONALD G	65-11158 /	-	/		
			SE	SW	8	JOSEPHSON, ELLA	65-11176 /	-	/		
			SE	SW	8	WEAVER, CLYDE R	65-04267 /	-	/		
			SE	SW		BRINLEY, HERBERT D.		65-04251 /			
			SE	SW		HOLLENBECK, C. R.		65-04375 /			
			SE	SW		WAHL, LILLIE B.		65-04461 /			
			SE	SW		CARTWRIGHT, CECIL J.		65-09276 /			
			SE	SW	8	WAHL, LILLIE B.		65-04460 /			1.0

ADDITIONAL POU FOUND

TOTAL ACRES A65-12156 1.00 1.00

POU COUNTY: PAYETTE

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 65-12156 Date: 2-15-00

Overlapping POU Claim #'s: _____

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	8N	5W	14												1					1
GIS															1					1
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

POU_ID #(s): 248

POD_ID #(s): 200

Total Claimed Acres: 1

Total GIS Acres: 1

COMMENTS:

per County tax plats + PRRA boundaries



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Date: 8-21-90

FRANK FRANEK
2139 MAPLE COURT
FRUITLAND ID 83619

RE: Notices of Claim to a Water Right in the Snake River Basin
Adjudication, See List Below
County of Payette

Dear Claimant:

We are forwarding to you data entered copies of the claims you filed in the Snake River Basin Adjudication.

We have interpreted the data from these claims in the process of data entry in a manner which we feel more accurately reflects the true status of these water rights. The items that were modified are highlighted. Please review the enclosed claims to assure that these modifications are in agreement with these water rights.

If you believe our data is incorrect, and you wish to make any changes to any of these Notices of Claim, initial the changes, sign the form, have your signature notarized, and return it to this office within 30 days. If you believe the modifications are correct, please retain these copies of your claims for your records.

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

Sincerely,

John D. Carlson
Adjudication Supervisor

JDC:AB;CF;HHT;FEL;RM
Enclosure:

Claim Nos. AUS-12156

AUS-08996

MICROFILMED

SEP 24 1992