

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 COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 95-14813

Date Received: 12/15/2004

Receipt No: N023103

Received By: Jm

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

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

- Name of Claimant(s) Kenneth and/or Lorene Frank Phone (208) 772-6214
- Mailing Address 2251 E Honeysuckle Hayden Id Zip 83835
Street or Box City State
- Date of Priority: (Only one per claim) Aug 31, 1970
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (X) (a) Hayden Lake
which is tributary to (b) sinks
- Location of Point of Diversion is: Township 51N, Range 3W, Section 21,
SW 1/4 of SE 1/4, or Govt. Lot 5 BM. County of Kootenai;
Parcel (PIN) no. 0214000B0010
Additional points of diversion if any: _____
If available, GPS coordinates: _____
- Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.
Pipe from pump in lake to pressure tank to water line
connected to one home
- Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)
For Domestic purposes from 1/01 to 12/31 amount .04 cfs () or AFY ()
For _____ purposes from _____ to _____ amount _____
- Total Quantity claimed .04 cfs () or AFY ()
- Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership; Stockwater and Number of livestock) Domestic - one household

9. Location of Place of Use is: Township 51N, Range 3W, Section 21,
SW 1/4 of SE 1/4, Govt. Lot 5 BM. Parcel (PIN) no. _____
If different than shown in Item 4
for (Check One) **Domestic** (X) **Stock** () **Domestic and Stock** ()

Additional places of use, if any _____

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

11. Do you own the property listed above as place of use? Yes (X) No ()

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (X)

13. Remarks:

14. Basis of Claim (Check One) Beneficial Use (X) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane 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: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Kenneth B. Frank Date: 11/18/09
James B. Frank Date: 11/18/09

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Identification No. _____

November 30, 2009

Merlin J. Hymas
443 Majestic Drive
Ivins, UT 84735
(h) 435.674.1410

Idaho Department of Water Resources
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

To Whom It May Concern:

I, Merlin J. Hymas, purchased Emerald Subdivision, Lot 1, Block B and Lot 13, Block A on Hayden Lake June 6, 1970. That summer I placed a small trailer on the property for my family's use and started diverting water from Hayden Lake for domestic purposes. My family continued this use until the summer of 1972 when we built a house and continued to use water from the lake.

Sincerely,



Merlin J. Hymas

Windy Bay

61662

589371

WARRANTY DEED

BOOK 256 PAGE 110

For Value Received WILLIAM M. GIESA and MARGARET L. GIESA,
husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto

MERLIN J. HYMAS and ELDENE H. HYMAS, husband and wife,

the grantees, the following described premises, in Kootenai County Idaho, to-wit:

Lot 13 in Block A, and Lot 1 in
Block B, EMERALD SUBDIVISION,
according to the Plat thereof
filed in Book D of Plats at page
185, records of Kootenai County,
Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee s that the y are the owner s in fee simple of said premises; that they are free
from all incumbrances

EXCEPT for taxes due after June 15, 1970, and years
subsequent thereto, and assessments and rights of
way of record.

and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: June 6, 1970.

x William M. Giesa

x Margaret L. Giesa

STATE OF IDAHO, COUNTY OF KOOTENAI
On this 6 day of June, 1970
before me, a notary public in and for said State, personally
appeared WILLIAM M. GIESA and
MARGARET L. GIESA,
husband and wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Notary Public
Residing at Coeur d'Alene, Idaho
Comm. Expires 6-30-71

STATE OF IDAHO, COUNTY OF Kootenai
I hereby certify that this instrument was filed for record at
the request of PANTHANDLE TITLE CO.
at _____ minutes past 9 o'clock A.M.
this APR 6 1972 day of
19 in my office, and duly recorded in Book
of Deeds at page

HAROLD E. PETERSON
Ex-Officio Recorder
By Orville Johnson Deputy
Fees \$1.00
Mail to Bank of Idaho
Coeur d'Alene

INSTRUMENT NO.

This is to show
when Merlin Hyman
purchased the property

FRANK

