

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

1

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

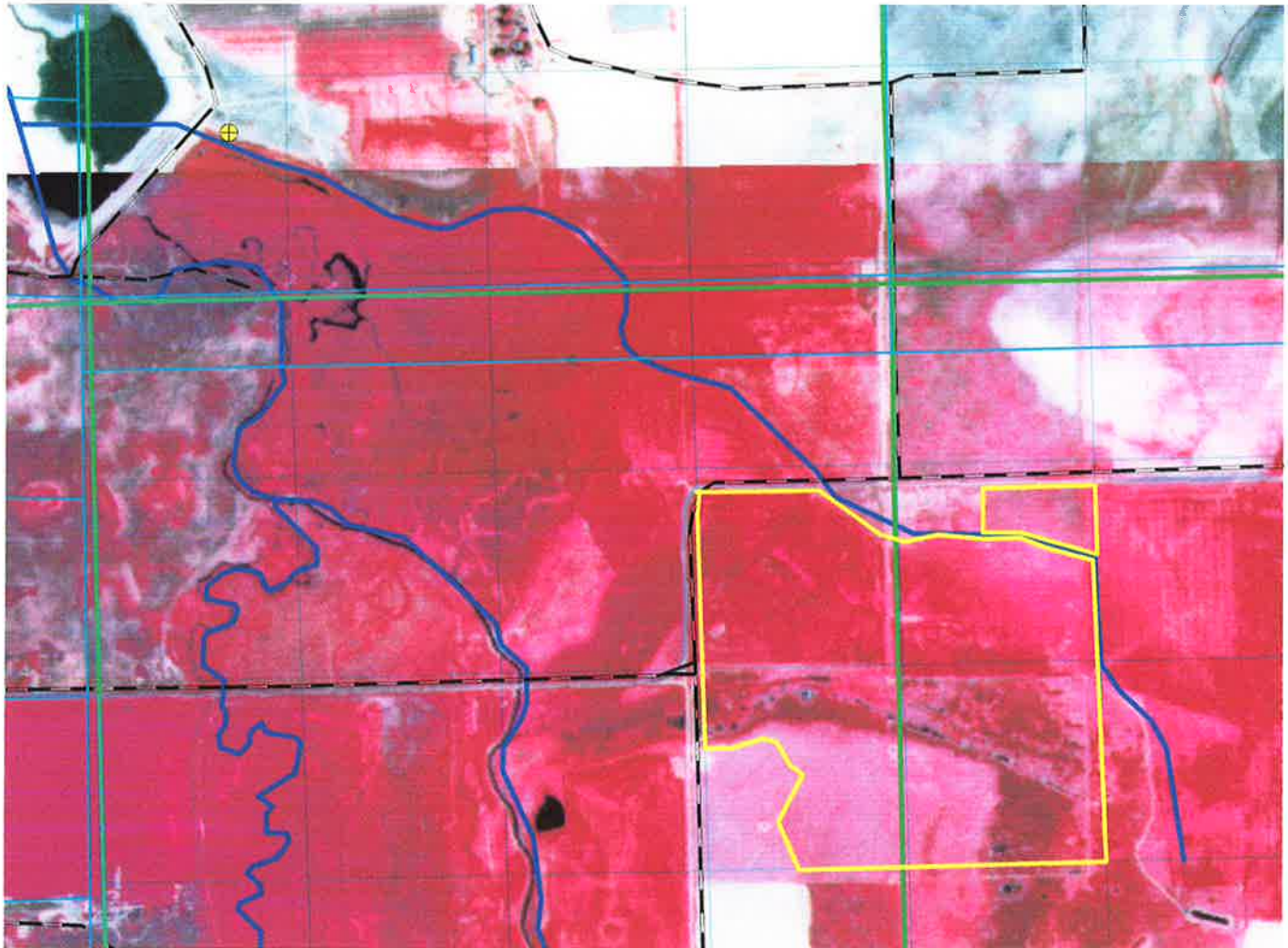
RIGHT NO. 29-10065 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Rights 29-11 AND 29-10065



0.2 0 0.2 0.4 Miles

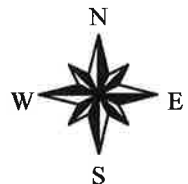
LEGEND

- Point of Diversion
- Place of Use
- STREETS
- SECTIONS
- QUATER-QUATERS
- STREAMS

IRRIGATED ACRES 133

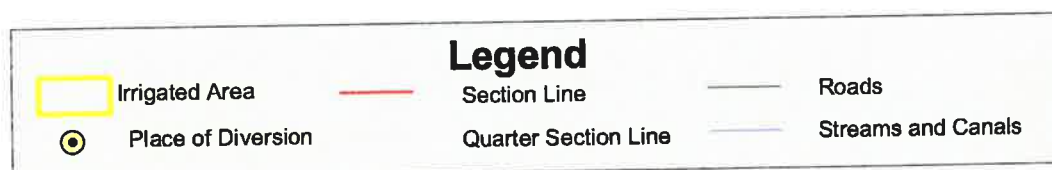
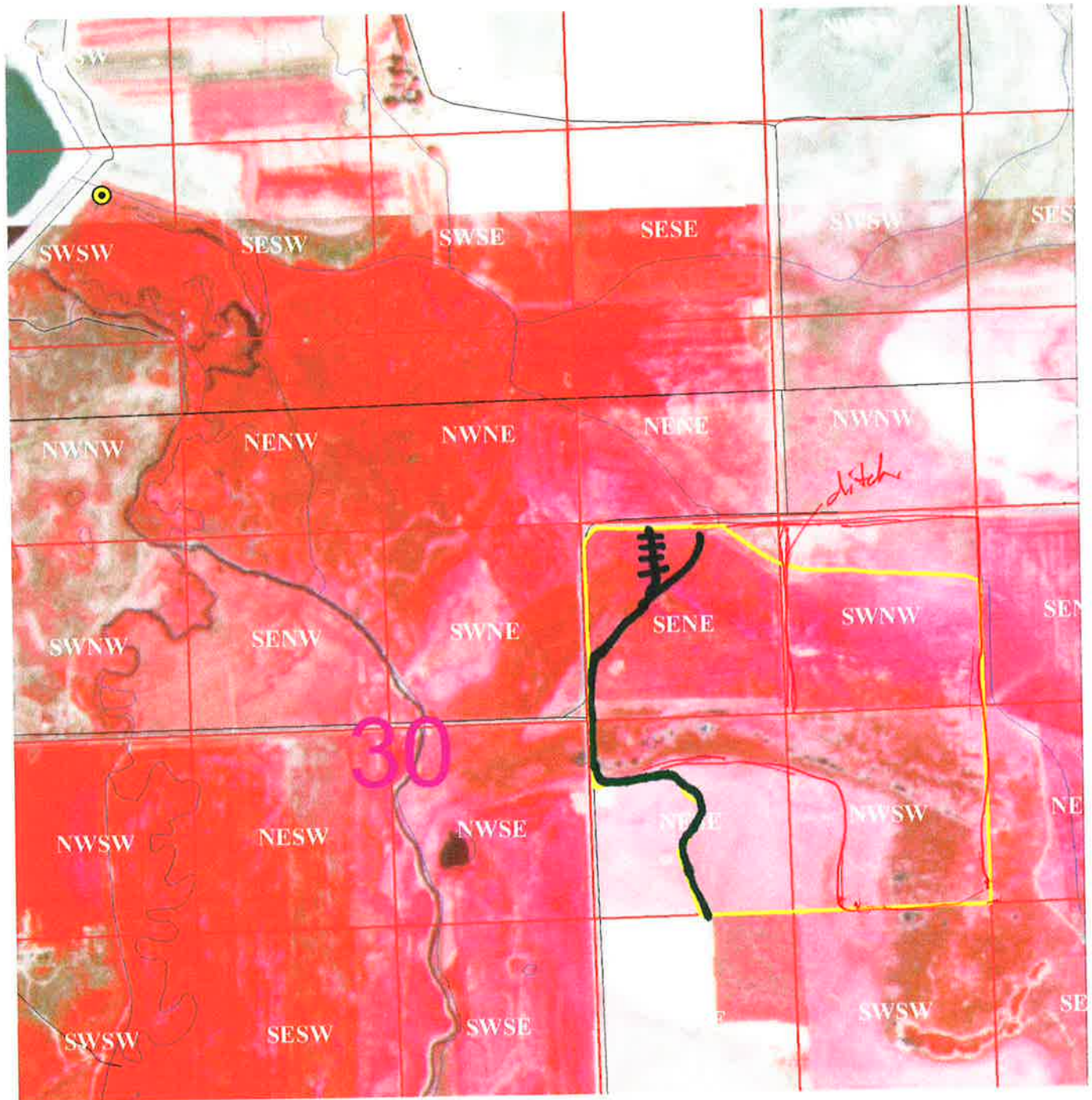
Place of Use: T6S, R39E,
(part of) Sections 29 and 30.

Points of Diversion: T6S, R39E
Sec. 19 NWSWSW

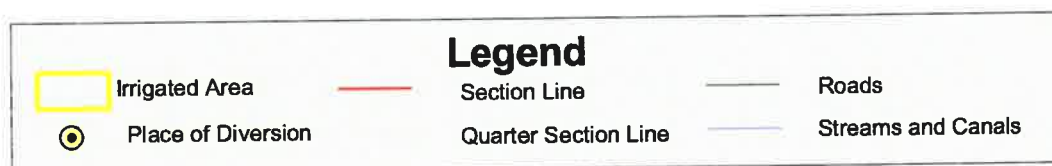
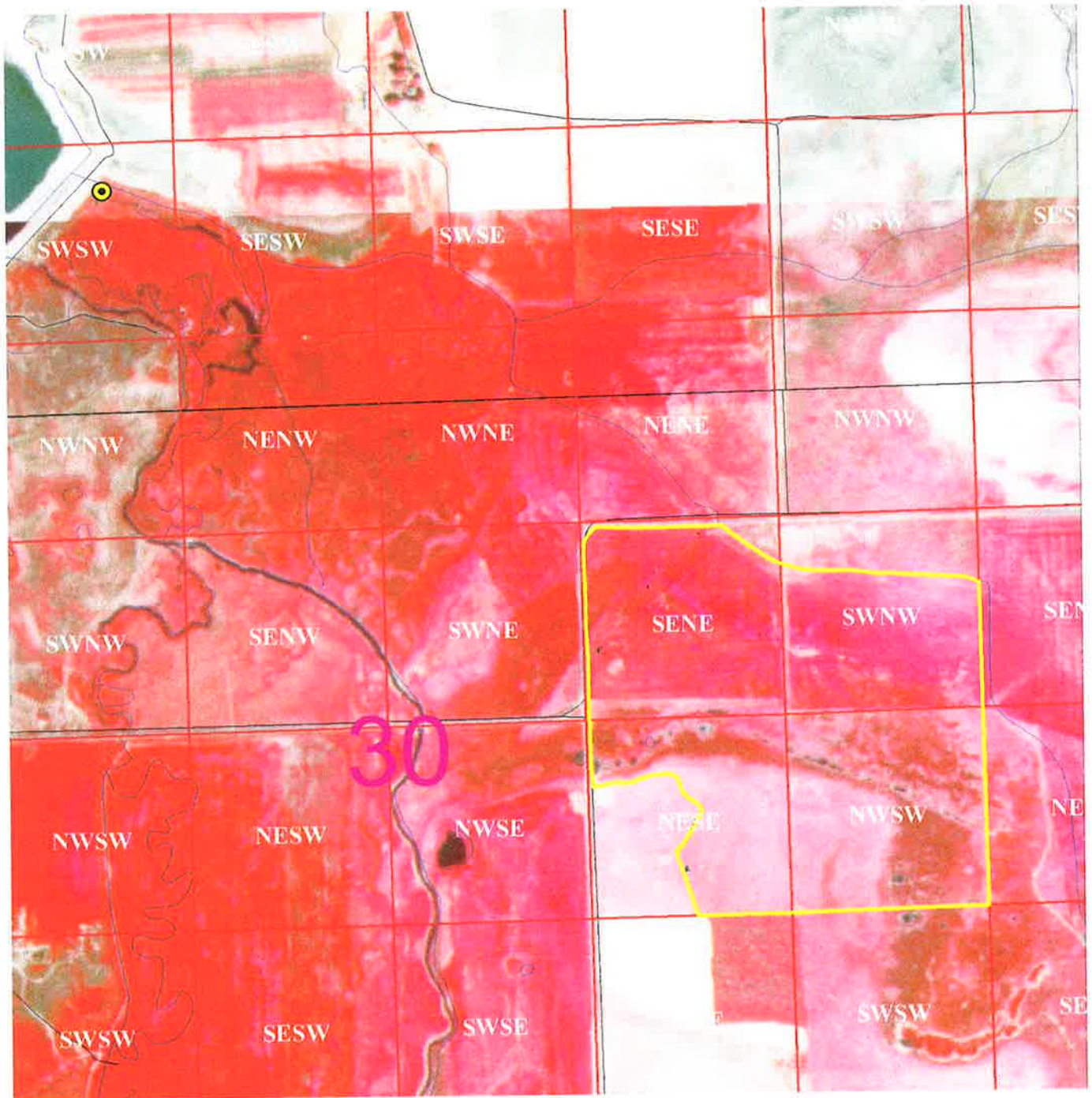


GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: November, 2002

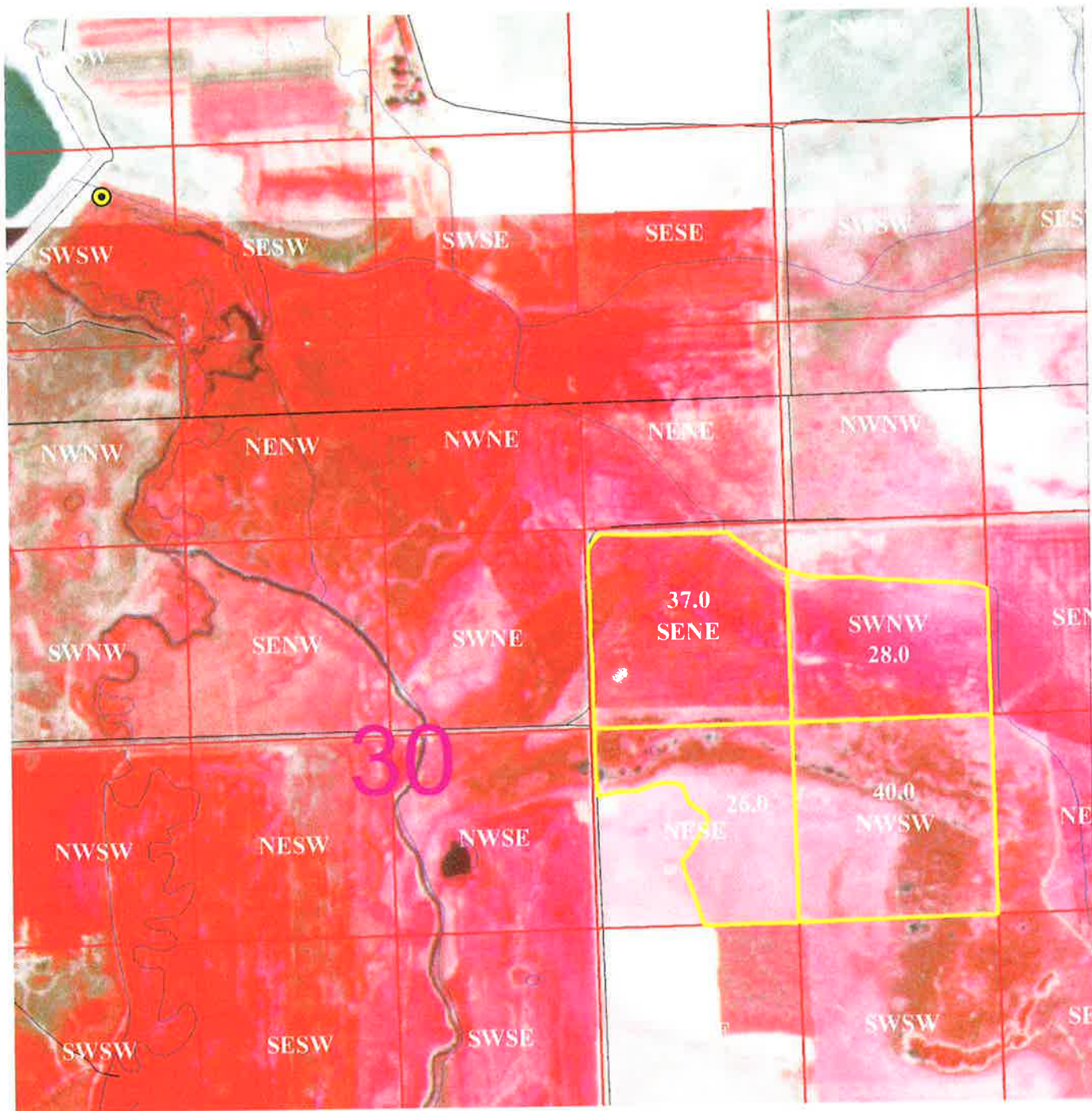
Township , 6S39E



Township , 6S39E



Township , 6S39E



RECEIVED

FEB 27 2003

02/08/2003

Cindy

Department of Water Resources
Bismarck 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 21, 2003

Water right number: 29-11

NORMAN W FRANK
835 W 100 S
BLACKFOOT ID 83221
Telephone Number: (208)684-3877

WANDA J FRANK
835 W 100 S
BLACKFOOT ID 83221
Telephone Number: (208)684-3877

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

*I disagree with priority date 4-1-1974
on right no 29-10065 I didn't file on that date*

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: Feb 21-2003 SIGNATURE: Norman W. Frank

Please print your name: NORMAN W. FRANK

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Carlsen, Ernie

To: Bird, Cindy
Subject: RE: 29-11, 29-10065, Norman Frank

Cindy, When there is no overlapping ground water or canal company rights so only one source of water has to be considered, then an aerial photo showing the irrigation system and field boundaries can be used as evidence. You can recommend 4-1-1974 based on the orthophoto or 4-1-1987 if you feel the NAPP is the first evidence you have that the 131 acres were being irrigated.

Ernie

-----Original Message-----

From: Bird, Cindy
Sent: Tuesday, November 12, 2002 1:46 PM
To: Carlsen, Ernie
Subject: RE: 29-11, 29-10065, Norman Frank

What priority date would I use? 4-1-74? Wouldn't he still need to provide evidence?

-----Original Message-----

From: Carlsen, Ernie
Sent: Tuesday, November 12, 2002 1:38 PM
To: Bird, Cindy
Cc: Carlsen, Ernie
Subject: 29-11, 29-10065, Norman Frank

Cindy, I have completed linking the POD and POU shapes to the recommendations I brought back from Lava a couple of weeks ago.

I noticed that notes in the file for 29-11 indicate you are disallowing 29-10065 because Mr. Frank failed to provide documentation supporting a 1902 priority. Since the source of water is the Portneuf River and diversions are regulated by the water master, Mr. Frank would be hard pressed to furnish any documentation showing the water master delivered more water than was decreed to 29-11. However, the place of use your recommending acknowledges the irrigated acreage has been increased for the 77 acres original decreed to 131 acres, within the decreed QQs. If Mr. Frank historically only irrigates 77 out of the 131 acres each year then your recommendation is appropriate. But if he actually irrigates the entire 131 acres during the irrigation season then 29-10065 can be used to allow continuation of that practice. Though Mr. Frank likely does not qualify for additional water there appears to be sufficient evidence to support an enlargement claim under 42-1426. To recommend the 131 acres based on an enlargement Mr. Frank has to have started irrigating those acres after 1971 but prior to November 1987. The 1974 orthophotos tend to indicate 131 acres were being irrigated at that time. Rather than denying 29-10065, why not recommend it as an enlargement claim allowing him to irrigate the 131 acres with no additional water?

Notes

- Need 77 acre limit remark added.
- remove stockwater.
add C18 condition.
- quantity decreed at 1.54 cfs.
- Claim 29-10065 disallowed "No lawful appropriation." Submitted No Evidence.
- SOU Change to 4/15-9/15 and add SO8 Remark.

Norman Frank:

A29-0011

✓ Priority date 9/26/1903.

diversion rate 1.54 cfs.

1.18 cfs.

Season 4/15 - 9/15.

4/1 - 11/1

Irrigation for 77 acres. : claimed 136.

Stock water: not decreed.

✓ Pop: SW sect. 19, 6S, 39E.

✓ Pou: claimed same QQ - increased acreage.

✓ Source: Portneuf River. ✓

20 yrs. -

Alton Hebdon -

prior to purchase, the outlined area was
irrigated prior to the purchase.

9/25/01 Norman Frank. Claims A29-0011 & A29-10065.
claimed same POU, both based on a decree.

decreed Priority date 9/26/1903

Season of Use: Should be 4/15 - 9/15.

Irrigations:

Exam Date 8/24/01

Exam Time 1pm Soda office

CLAIM(S) A29-0011

NAME Norman Frack

ADDRESS Blackfoot

PHONE () 684-3877 HOME

1081 WORK

CELL

DOMESTIC____ STOCKWATER____ IRRIGATION____ OTHER____

OTHER RIGHTS _____

DIRECTIONS

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard ruled sheet of paper. The lines are thin and black. The background is plain white.

DOGS _____

DATE 9/20/01 APPOINTMENT Norman Frank

NORMAN FRANK.

29-10065 Decree

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

1. ☒ No Change NAME:
☐ NEW OWNER: _____
☐ No Change ADDRESS: _____
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____
(If the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE:
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION:
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4.
- Note: If the 10-acre tract is shown on the claim, then verification of the 10-acre parcel is needed. Otherwise the 10-acre tract is not required, unless the source is a spring.
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Incomplete description, complete items missing, IF KNOWN.
☐ Additional description in comments.
HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____
Method of irrigation _____
6. ☐ No Change - WATER USES:
☐ Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☐ No Change - TOTAL VOLUME:
☒ Change found, The new total is - 1.54 cfs _____ af
demanded at 1.54 cfs.
8. Not applicable
9. ☐ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Other: _____
Stockwater - No. of head and kind _____ (EXP Remark)

Claim No. _____

10. ☐ No Change - PLACE OF USE: (If changed, list below.)

☒ Place of use is different than the claim

New P/U:

Twp. Rge. Sec. 1/4, 1/4 Use

Remarks: (Include type and code)

C18.

Comments pertinent to field examination:

- decided at 77 acres.

- acre limit remark.

- remove stock water.

filed additional claim but didn't file evidence
for the additional acreage.

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Claim File.

PHOTOS

MAP

SYSTEM DIAGRAM

☐
☐
☐

☐
☐
☐

☐ Changes found during exam or additional information in the claim file, see claim file.

DATE EXAM CONDUCTED:

drive by office visit 9/24/01

FIELD EXAMINER:

Signature

Cindy Bird

said tributaries, such amount and amounts of water, continuously, during and throughout the irrigating season of each and every year and from the date of appropriation and priority, with the point of diversion and means of diversion as set forth in the following schedule, to-wit:

PORTNEUF RIVER /

NAME OF CLAIMANT and DATE OF PRIORITY.	AMOUNT IN SEC. FEET.	POINT OF DIVERSION AND PLACE OF USE
29 0010 ✓ 1. HIBNER, Julia - 1883-April 14 T. #2371	2.32 c.f.s.	Said water to be diverted through Hibner Ditch Number 2, (Knollin-Toponce Ditch), which diverts from the Portneuf River in the Southwest quarter <u>if</u> the Southwest quarter, Section 19, Township 6 South, Range 39 East; and from the Southwest corner of Section 19, the point of diversion bears north 41 degrees 30 minutes East, 1285 feet, for the irrigation of 116 acres of land located in the South half of the Southwest quarter, the Southwest quarter of the Southeast Quarter, Section 19, Township 6 South, Range 39 East; the Northeast quarter of the Northwest quarter, the Northwest quarter of the Northeast quarter; the Southwest quarter of the Northeast quarter; the Southeast quarter of the Northwest quarter, Section 30, Township 6 South Range 39 East.
29 0013 ✓ 2. SESSIONS, Keplar. 1903. Sept. 26 ✓ <i>claimed by Norman Frank!</i>	1.54 c.f.s. ✓	Said water to be diverted through Hibner Ditch No. 2 (Knollin-Toponce Ditch), last above described for the irrigation of 77 acres of land in the Southeast quarter of the Northeast quarter; the Northeast quarter of the Southeast quarter, Section 30, Township 6 South, Range 39 East; the Southwest quarter of the Northwest quarter; and the Northwest quarter of the Southwest quarter, Section 29, Township 6 South, Range thirty-nine (39) East.
29 0017 ✓ 3. KNOLLIN, A. J. 1913 Apr. 15. <i>transfer #602 see Cail v. Hogan</i>	3.99 c.f.s.	Said water to ^{be} diverted through Hibner Ditch No. 2 (Knollin-Toponce Ditch) last above described, for the irrigation of 80 acres of land in the West half of the Southwest quarter, Section 9; 39.5 acres in the Southeast quarter of Southwest quarter, Section 9; 80 acres in the East half of the Southeast quarter, Section

MAY 15 1996

WR5809NP
No. 29-00011

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/01
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KEPLAR SESSIONS	09/26/1903	IRRIGATION	04/15 09/15	1.540 CFS	
TOTAL DIVERSION:					1.540 CFS	

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R39E S19

SWSW

CARIBOU 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
06S	39E	29	:																	:	
06S	39E	30	:																	:	

Pou County: CARIBOU

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

29-00013 29-00589 29-04060 29-04488

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

29-00094 29-00095 29-02008 29-02027 29-02558

Remarks: GEN AC. IRR. = 77.
P/U INCOMPLETE.

Dates:	App. Received:	Priority Date:	09/26/1903
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 29 Field Exam Fee:

Audit: 06/03/85 05/22/88 CONVERT

SCANNED

MAY 4 2001

Log for claim A29-00011

Spatial Dynamics LTD

5/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s39e	29	SWNW	30	28	
06s39e	29	NWSW	40	40	
06s39e	30	SENE	36	37	
06s39e	30	NESE	30	26	
Totals:			136	131	

AJ5809NP
No. A29-00011

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORMAN W FRANK	09/26/1903	IRRIGATION	04-01 11-01	1.180 CFS	
C	WANDA J FRANK		STOCKWATER	04-01 11-01	0.050 CFS	
	835 W 100 S					
	BLACKFOOT ID 83221					
	(208) 684-3877					
				TOTAL DIVERSION:	1.180 CFS	
				CONSUMPTIVE USE:		340.00 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T06S R39E S19 SWSW

CARIBOU 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	
06S	39E	29	:							30				40						70.0
06S	39E	30	:				36									30				66.0
																			TOTAL ACRES	136.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
06S	39E	29	:							S				S						
06S	39E	30	:				S									S				

POU County: CARIBOU

Non-Irrigation Uses: STOCKWATER - 150 CATTLE

Other Rights: NONE

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

A29-00012A A29-00012B A29-00589 A29-04060 A29-10065 A29-10173 A29-10174

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

A29-00094 A29-10065

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

Misc: Water District Number: 29 Field Inspection Flag: E
Presumption Flag:

Audit: 05/15/89 MCC 04/01/94 THOMPSON 03/29/95 POST-STD

MAY 4 2001

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00011
Date Received: 5/15/1989
Receipt No: E007446
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORMAN W. FRANK 208-684-3877
Address: 835 W 100 S
BLACKFOOT, ID 83221
AND/OR
Name: WANDA J. FRANK 208-684-3877
Address: 835 W 100 S
BLACKFOOT, ID 83221

A2900011



2. Date of Priority: SEP 26, 1903

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06S	39E	19	SW SW		CARIBOU

5. Description of diverting works:
HEADGATE & DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.180		
STOCKWATER	04/01	11/01	0.050		

1.54 cfs (circled around the table)

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

A.F.A.

*no stock
diverted*

8. Total consumptive use is 340.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 150 CATTLE

A29-00011

Page 1

Date: 05/15/89

MICROFILMED
NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	39E	29	SW	NW	—	IRR	30.0
			SW	NW		STOCK	
			NW	SW	—	IRR	40.0
			NW	SW		STOCK	
					Section Acres	70.0	
		30	SE	NE	—	IRR	36.0
			SE	NE		STOCK	
			NE	SE	—	IRR	30.0
NE	SE			STOCK			
			Section Acres	66.0			
			Total Acres	136.0			

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/29/1921

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MC CAMMON DITCH CO., ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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): Norman W. Frank Date: May 15, 1989

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of May 19 89

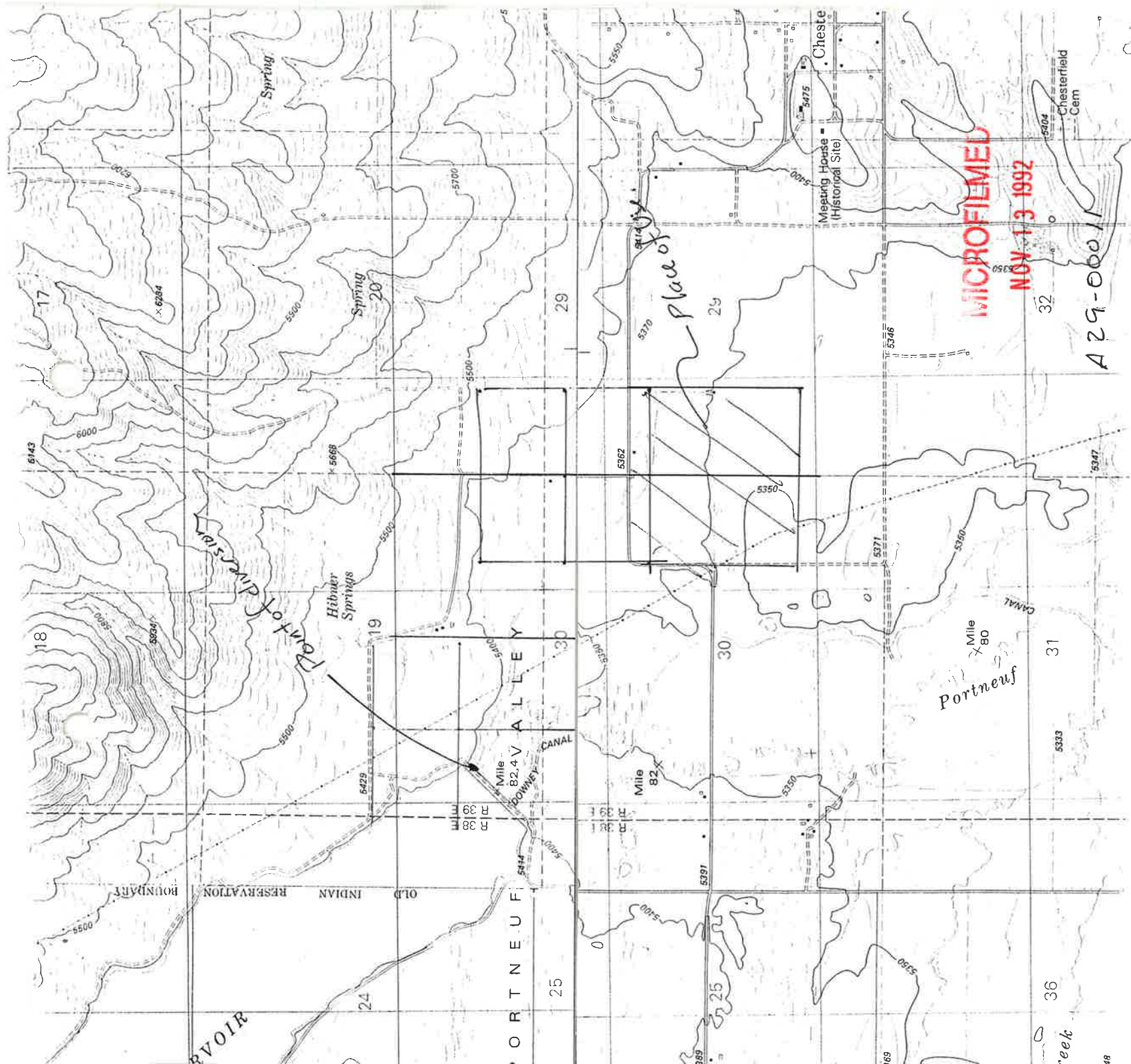
Betty J. Thompson
Notary Public

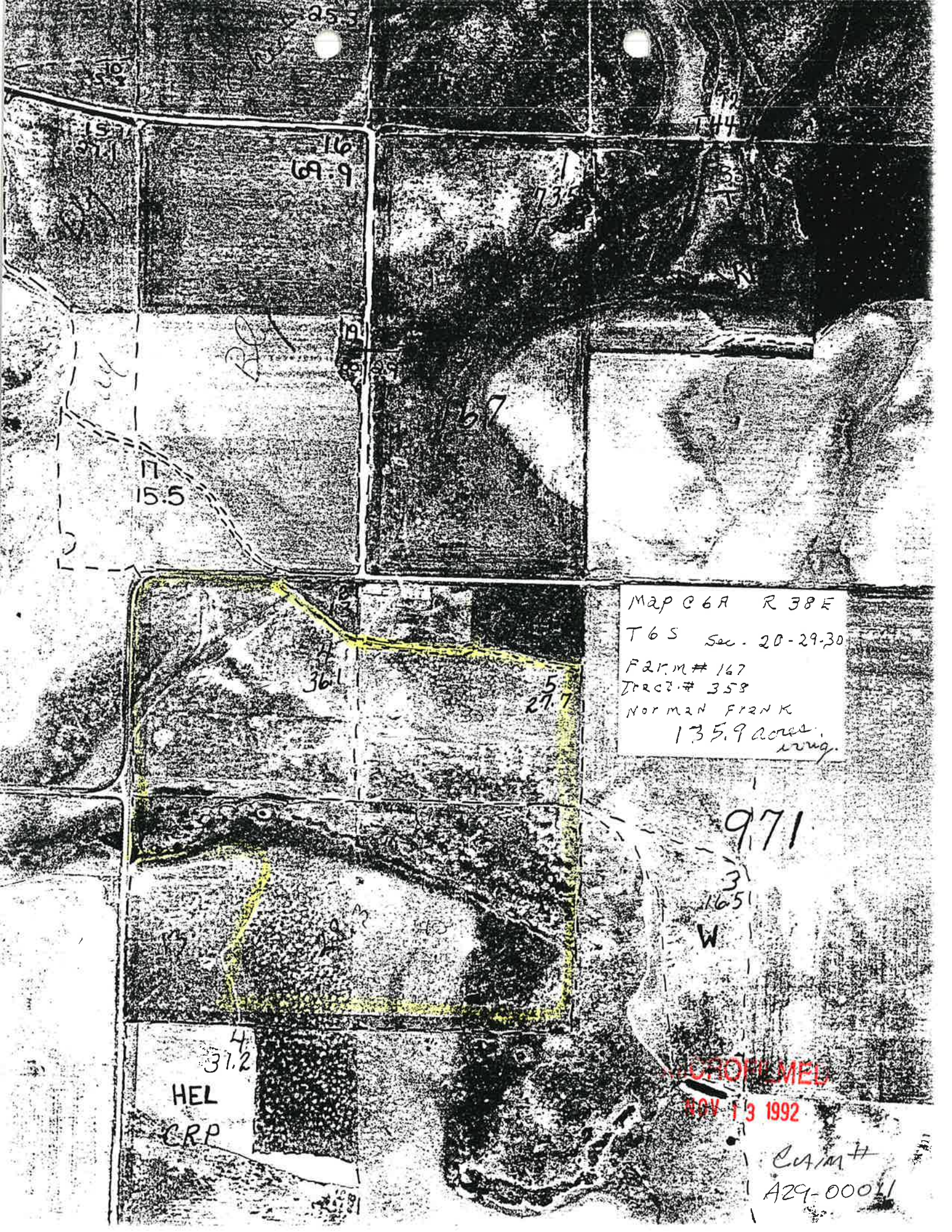
Seal

Residing at Idaho Falls

My Commission Expires

BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94





Map 06A R 38 E
T 6 S Sec. 20-29-30
Farm # 167
Tract # 358
Norman Frank
135.9 acres
irrig.

4
31.2
HEL
CRP

MICROFILMED
NOV 13 1992

CA/M #
A29-00011