

11/14/2002

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

RIGHT NUMBER: 29-10065

NAME AND ADDRESS: NORMAN W FRANK
835 W 100 S
BLACKFOOT ID 83221

WANDA J FRANK
835 W 100 S
BLACKFOOT ID 83221

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.540 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-11 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.54 CFS.

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION:

T06S R39E S19 SWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 11/01	0.050 CFS
IRRIGATION	04/01 10/31	1.540 CFS

PLACE OF USE:

STOCKWATER Within CARIBOU County

T06S R39E S29 SWNW T06S R39E S29 NWSW

T06S R39E S30 SENE T06S R39E S30 NESE

IRRIGATION Within CARIBOU County

T06S R39E S29 SWNW 30.0 T06S R39E S29 NWSW 40.0

T06S R39E S30 SENE 33.0 T06S R39E S30 NESE 30.0

133 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-11 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 133 ACRES IN A SINGLE IRRIGATION SEASON.

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 29-11
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 56 ACRES WITHIN THE PLACE OF
USE DESCRIBED FOR THIS RIGHT.

10/10/2002

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

RIGHT NUMBER: 29-10065

NAME AND ADDRESS: NORMAN W FRANK
835 W 100 S
BLACKFOOT ID 83221

WANDA J FRANK
835 W 100 S
BLACKFOOT ID 83221

DISALLOWED

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.540 CFS

PRIORITY DATE: 09/26/1903

POINT OF DIVERSION:

T06S R39E S19 SWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	4/01 11/01	0.050 CFS
IRRIGATION	4/01 11/01	1.540 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T06S R39E S29	SWNW	T06S R39E S29	NWSW
T06S R39E S30	SENE	T06S R39E S30	NESE

IRRIGATION Within CARIBOU County

T06S R39E S29	SWNW	30.0	T06S R39E S29	NWSW	40.0
T06S R39E S30	SENE	36.0	T06S R39E S30	NESE	30.0

136 ACRES TOTAL

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

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

NO LAWFUL APPROPRIATION SHOWN.

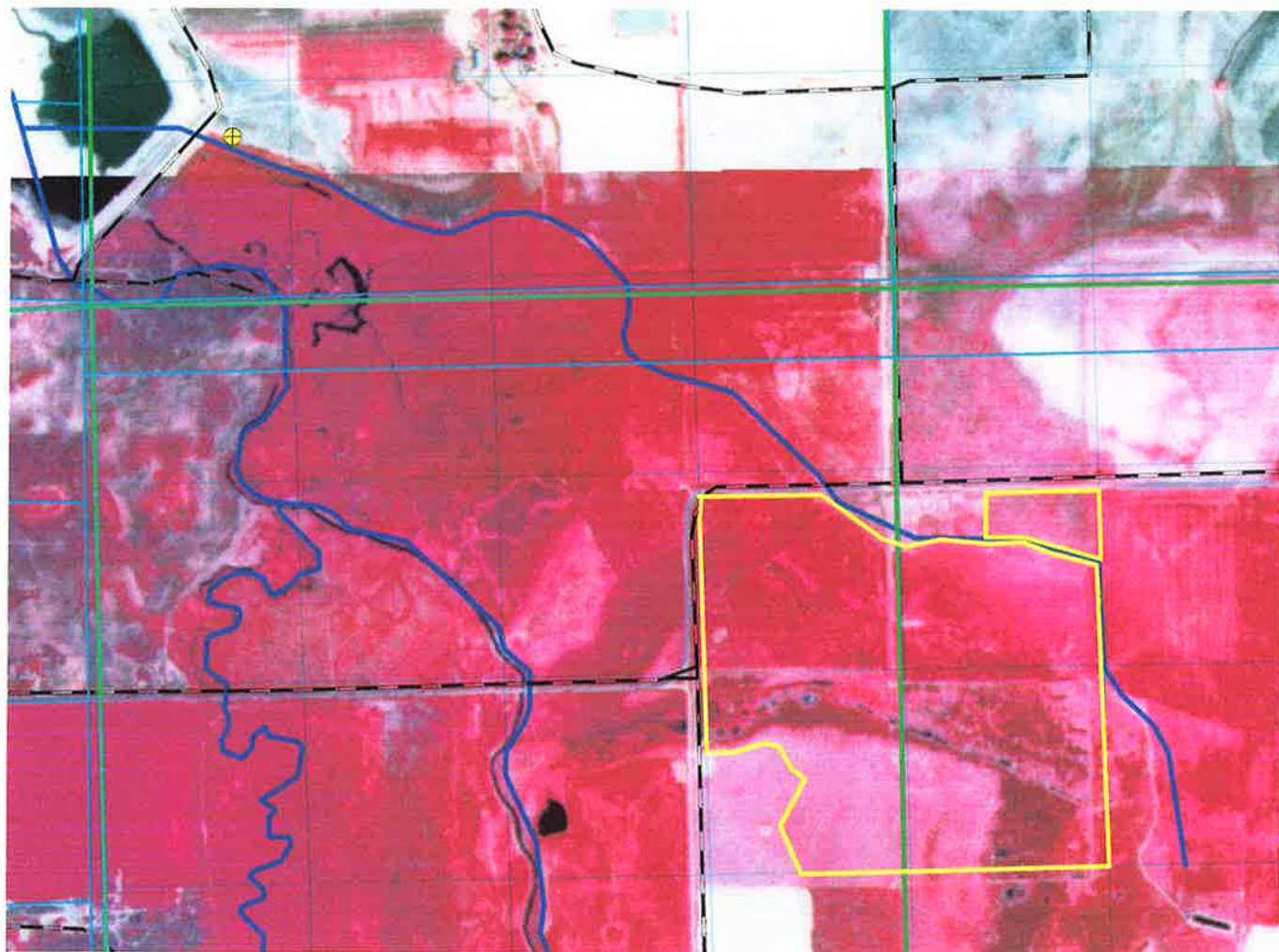
EXPLANATORY MATERIAL: Beneficial Use



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

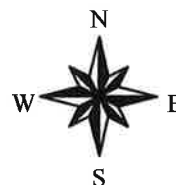
IRRIGATED ACRES 133

SCANNED

JUN 07 2006

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

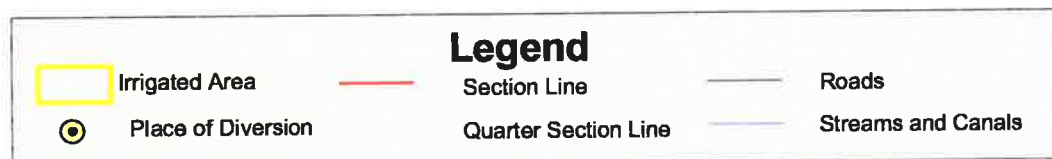
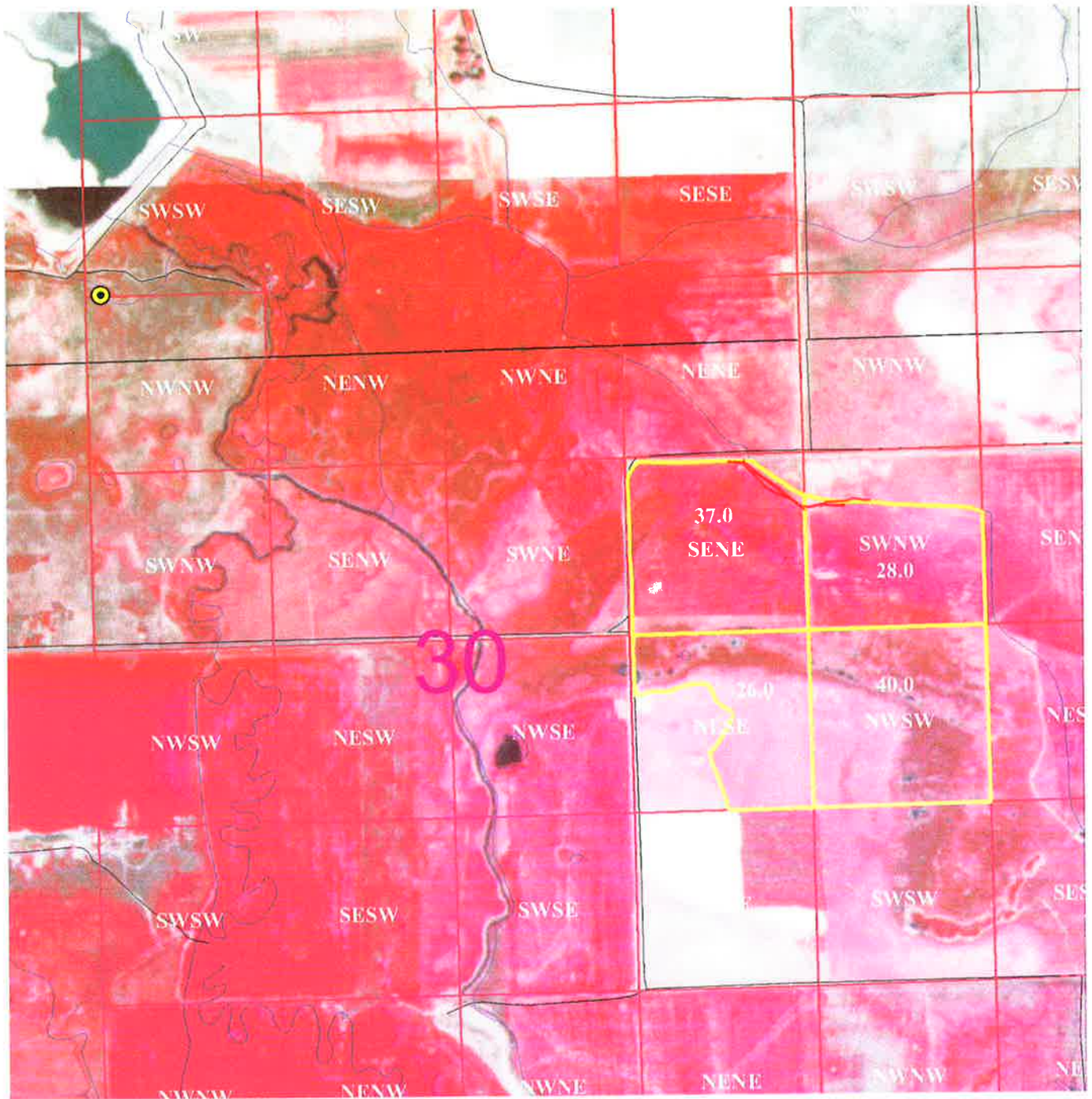
Points of Diversion: T6S, R39E
Sec. 19 NWSWSW



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

PROFILED

Township , 6S39E



02/08/2003

NOTICE OF ERROR
REPLY

Cindy

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: 29-10065

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 the 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: *Wanda J Frank*

Please print your name: Wanda J Frank

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

SCANNED

JUN 07 2006

PROFILED

Cindy

RECEIVED

JAN 16 2004

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

2004 JAN 15 PM 2 35

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

) SUBCASE: See Exhibit A

) ORDER SETTING OBJECTION &
) RESPONSE DEADLINE

On January 14, 2004, the Idaho Department of Water Resources filed an *Amended Director's Report* for water rights listed on attached Exhibit A, to include a subordination remark pertaining to enlargement claims. Notice of the filing of the *Amended Director's Report* was served on the claimants for the above captioned claims and shall appear on the docket sheet for January 2004, served on February 8, 2004.

IT IS SO ORDERED that all *Objections* to the *Amended Director's Report* are due **no later than 5:00 p.m. on February 27, 2004**. *Responses* to the *Objections* are due **no later than 5:00 p.m. on March 15, 2004**. All *Objections* and *Responses* are limited to issues pertaining to the amendments to the *Director's Report*.

Dated January 15, 2004.

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

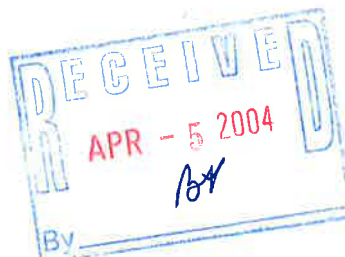


EXHIBIT A

Subcase Nos:

29-10065
29-10176
29-10449
29-11775
29-13213
29-13251
29-13327
29-13406
29-13408
29-13421
29-13428
29-13429
29-13482
29-13553
29-13554
29-13618
29-13619
29-13620
29-13621
29-13622

(Subcase list: B29ENLCLMS)
1/15/04

CERTIFICATE OF MAILING

I certify that a true and correct copy of the Order was mailed on 1/15/04 with sufficient first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 5, 2003

Norman Frank
835 West 100 South
Blackfoot, Idaho 83221

Re: Evidence of Priority

Claim No.: A29-10065

Response Date: March 26, 2003

Dear Mr. Frank,

I understand that you disagree with the priority date of April 1, 1974; because that is not the date you filed on. In order to change the priority date to September 26, 1903, we need to have evidence to support that date. You have not provided me with any evidence of priority.

The Idaho Department of Water Resources is finishing the water right reviews in Basin 29. On the claim listed above, the date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. **For this reason, proof must be provided supporting the priority date.** As the claimant, you are responsible for submitting the necessary proof to support the priority date.

For your reference, I have enclosed the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

Because of the time frame this claim is currently being recommended as disallowed. Although this is not the final determination, with more detailed information this can be changed before it goes to the courts, but time is of the essence.

If you have any questions please feel free to contact me at 547-3993 in Soda Springs.

Respectfully,

Cindy E. Bird
Adjudication Bureau

enclosure: "Evidence of Priority"

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

10/8/02 disallow "No LAWFUL APPROPRIATION"
add POI Remark; Condition.



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 3, 2002

Norman W. Frank
Wanda J. Frank
835 W. 100 S.
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)

SUBJECT: Disallowed recommendation for 29-10065

Dear Mr. and Mrs. Frank;

I spoke with you last fall regarding Evidence of Priority needed for the above listed beneficial use claim in the SRBA. IDWR will NOT RECOMMEND this claim to be decreed by the court if no evidence of the priority date is submitted. Since no respond in this matter has taken place this claim is being recommended as **Disallowed** to the SRBA court.

Please contact this office if you have any questions regarding this matter.

Respectfully submitted,

Cindy E. Bird
Sr. Water Resource Agent
Adjudication Bureau

Enclosed: Evidence of Priority Brochure

Cc; file

a



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 27, 2001

STEVE HEBDON
C/O KING CREEK GRAZING ASSOCIATION
2924 KELLY TOPONCE ROAD
BANCROFT, ID 83217

REF: NORMAN FRANK

SUBJECT: EVIDENCE OF PRIORITY

Dear Steve,

Your family previously owned the property that is currently owned by Norman Frank. Mr. Frank has claimed an additional 51 acres of irrigated lands over the 77 acres decreed to the property under a beneficial use claim. The state of Idaho requires documentation of the priority date. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the person with the most knowledge of this property a signed affidavit of the beneficial use of this water would be proof to support the priority date.** The claimed priority date for Mr. Frank is September 26, 1903 for both stock water and irrigation.

It's important that each element of the claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some examples of Documents Which May Be Evidence of the Priority Date"**.

It's our goal to recommend historical water rights within the Snake River Basin as accurately as possible. I appreciate your help in this matter. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"

PUBLIC NOTICE

First Time Published

**NOTICE OF
ENLARGEMENT OF
WATER RIGHT**

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Caribou County are shown to the nearest section--more specific locations are available upon request.

Water Right 29-10065

NAME & ADDRESS: NORMAN W. & WANDA J. FRANK,
835 West 100 South, Blackfoot, ID 83221

SOURCE: PORTNEUF RIVER
TRIBUTARY: SNAKE RIVER
PRIORITY DATE: 04/01/1974
POINT OF DIVERSION: T06S, R39E, S19, SWSW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S, R39E, S29, SWNW, NWSW, S30, SENE, NESE

This right is for an enlargement of 56.0 acres within the total 133.0 acres recommended.

Water Right: 29-10171

NAME & ADDRESS: DON C & VIRGINIA E. RIGBY, P.O. BOX 187, BANCROFT, ID 83217

SOURCE: GROUNDWATER
PRIORITY DATE: 04-01-1987
POINT OF DIVERSION: T08S, R40E, S16, SENWSE, S21, NENESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S, R40E, S27, SWNW, NWSW, SWSW, S28, NENE, SENE, NESE, SESE

This right is for an enlargement of 280.0 acres within the total 280.0 acres recommended.

Water Right: 29-10176

NAME & ADDRESS: DEAN SMITH, 826 WOOD ROAD, BANCROFT, ID 83217

SOURCE: GROUNDWATER
PRIORITY DATE: 04-01-1987
POINT OF DIVERSION: T07S, R39E, S09, SESWSW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T07S, R39E, S09, SWNE, SENE, SENW

This right is for an enlargement of 100.0 acres within the total 100.0 acres recommended.

Water Right: 29-10247

NAME & ADDRESS: MAX D. & BONNIE K. RIGBY, P.O. BOX 12, BANCROFT, ID 83217

SOURCE: GROUNDWATER
PRIORITY DATE: 04-01-1987
POINT OF DIVERSION: T08S, R39E, 16, SENESW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S, R39E, 16, NWNW, SWNW, SENW, NESW, NWSW

This right is for an enlargement of 12.0 acres within the total 107.0 acres recommended.

Water Right: 29-10310

NAME & ADDRESS: JON L. JONSSON, 2040 IVINS ROAD, BANCROFT, ID 83217

SOURCE: TEN MILE SPRING
TRIBUTARY: SINKS
PRIORITY DATE: 04/01/1980
POINT OF DIVERSION: T08S, R40E, S22

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S, R40E, S22, NESW, NWSW, SWSW, SESW, NWSE, SWSE

This right is for an enlargement of 200.0 acres within the total 240.0 acres recommended.

**Affidavit of
Publication**

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

That he is publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for

two

successive weekly issues thereof, the date of the first publication being the

18th day of

December, 2003

The date of the last publication

being the 25th day of

December, 2003

On this 30th day of December

in the year of 2003, before me, a Notary Public, personally appeared

Mark Steele

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at Soda Springs, Idaho
My commission expires:

March 11, 2006

RECEIVED

OCT 05 2005

Department of Water Resources
Eastern Region



Water Right: 29-13396

NAME & ADDRESS:
WILLIAM JEAN & MARY
ARLENE TREASURE, 2888
CHESTERFIELD ROAD, BANCROFT, ID 83217

SOURCE: TWENTY FOUR
MILE CREEK

TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 04/15/1975

POINT OF DIVERSION:
T06S, R39E, S33, NWNWSE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S, R39E,
S33, NWNW, SWNW, NESW,
NWSW, SESW

This right is for an enlargement
of 91.0 acres within the total 131.0
acres recommended.

Water Right: 29-13408

NAME & ADDRESS: ALAN
& ADA K. SMITH, 2620 KELLY
TOPONCE ROAD, BANCROFT,
ID 83217

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION: T07S,

R38E, S24, SWSWNE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T07S, R38E,
S23, SWNE, SENE, NESE,
NWSE, S24, SWNW, SENW,
NESW, NWSW

This right is for an enlargement
of 145.0 acres within the total
297.0 acres recommended.

Water Right: 29-13421

NAME & ADDRESS: STOD-
DARD FARMS OF GRACE, 2004
TWO MILE ROAD, GRACE, ID
83241

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1987

POINT OF DIVERSION: T09S,

R39E, S14, NENE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S, R39E,
S11, NENW, NWNW, SWNW,
SESW, S33, SWSW, SESE, SWSE,
SESE, S14, NENE, NWNE,
NENW, NWNW

This right is for an enlargement
of 23.0 acres within the total 330.0
acres recommended.

Water Right: 29-13428

NAME & ADDRESS: CRAN-
DALL FARMS, INC., 2919
HANSEN ROAD, BANCROFT,
ID 83217

SOURCE: TWENTY FOUR
MILE CREEK

TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 04/01/1987

POINT OF DIVERSION:
T06S, R39E, S33, SWSW, T07S,
R39E, S04, LOT 4(SWNW), S05,
SESWSE, S08, NESWNE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S, R39E,
S33, SWSW, T07S, R39E, S03,
NWSW, S04, LOT 2(SWNE), LOT
2(SENE), LOT 3(SENW), NESW,
NWSW, NESE, NWSE, S05,
NESE, NWSE, SWSE, S08,
NWNE, SWNE, NENW, SENW

This right is for an enlargement
of 223.5 acres within the total
572.0 acres recommended.

Water Right: 29-13429

NAME & ADDRESS: CRAN-
DALL FARMS, INC., 2919
HANSEN ROAD, BANCROFT,
ID 83217

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION:
T06S, R39E, S31, NWSE, T07S,
R39E, S05, LOT 4(NWNW)

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S, R39E,
S31, NESE, NWSE, SWSE, SESE,
S32, NWNE, SWNE, NWSE,

SWSE, NENW, NWNW, SWNW,
SESW, NESW, NWSW, SWSW,
SESW, S33, SWSW, T07S, R39E,
S03, NWSW, S04, LOT 2(SWNE),
LOT 1(SENE), LOT 4(SWNW),
LOT 3(SENW), NESW, NWSW,
NESE, NWSE, S05, LOT
2(SWNE), LOT 1(SENE), LOT
4(SWNW), LOT 3(SENW),
NESW, NWSW, SWSW, SESW,
NESE, NWSE, SWSE, S08,
NENW, NWNW, SENW

This right is for an enlargement
of 373.0 acres within the total
1400.7 acres recommended.

Water Right: 29-13482

NAME & ADDRESS: WAYNE
C. PERKINS, 13825 NORTH 7TH
STREET, STE. M, PHOENIX, AZ
85022

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 04/15/1946

POINT OF DIVERSION:
T06S, R38E, S33, SWSESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S, R38E,
S26, NESW, SESW

This right is for an enlargement
of 9.0 acres within the total 60.0
acres recommended.

Water Right: 29-13499

NAME & ADDRESS: C V
CATTLE INC., 3124 NIPPER
ROAD, BANCROFT, ID 83217

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 04/01/1975

POINT OF DIVERSION:
T06S, R38E, S33, SWSESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S, R38E,
S25, NWNW, SWNW, NESW,
NWSW, SWSW, SESW, LOT
19(NESE), NWSE, SWSE, LOT
20(SESE), S26, NENE, SENE,
NESE, SESE

This right is for an enlargement
of 202.5 acres within the total
437.5 acres recommended.

Water Right: 29-13532

NAME & ADDRESS: C V
RANCHES, 3124 NIPPER ROAD,

BANCROFT, ID 83217

SOURCE: PORTNEUF RIVER
TRIBUTARY: SNAKE RIVER
PRIORITY DATE: 04/01/1975
POINT OF DIVERSION: T06S,
R39E, S30, LOT 2(NESWNW)
PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S, R38E,
S25, LOT 3(NESE), NWSE, LOT
4(SESE), S36, LOT 1(NENE),
LOT 2(SENE), R39E, S30, NESW,
LOT 3(NWSW), LOT 4(SWSW),
SESW, NWSE, SWSE, S31,
NENE, NWNE, SWNE, SENE,
NENW, LOT 1(NWNW), LOT
2(SWNW), SENW, NESW, LOT
3(NWSW), NESE, NWSE

This right is for an enlargement
of 545.3 acres within the total
759.7 acres recommended.

Water Right: 29-13556

NAME & ADDRESS: C. V.
CATTLE, INC., 3124 NIPPER
ROAD, BANCROFT, ID 83217
SOURCE: TOPONCE CREEK
TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 04/01/1970
POINT OF DIVERSION: T06S,
R38E, S35, NWNESW, S36,
SESW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S, R38E,
S35, NESE, SESE, S36, NESW,
NWSW, SWSW, SESW, SWSE,
LOT 20(SESE)

This right is for an enlargement
of 35.5 acres within the total 169.5
acres recommended.

Water Right: 29-13621

NAME & ADDRESS: LARRY
& LANA NAEF, 5513 EAST OLD
OREGON TRAIL ROAD, LAVA
HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH
CREEK

TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 07/15/1976
POINT OF DIVERSION: T09S,
R37E, S15, SENENW, SESE
PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S, R37E,
S22, NENE, NENW

This right is for an enlargement
of 2.0 acres within the total 6.2
acres recommended.

The water rights will be subject
to all prior water rights. Those
asserting injury from the enlarge-
ments may file petitions with the
Director, Idaho Department of
Water Resources, Eastern Region,
900 North Skyline Drive, Ste. A,
Idaho Falls, ID 83402-3653 on or
before March 25, 2004.

Published Dec. 18 and 25, 2003
in the Caribou County Sun.

MAY - 7 2001

Log for claim A29-10065

Spatial Dynamics LTD

6/15/00

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	

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

Point(s) of Diversion:		T06S R39E S19		SWSW		CARIBOU County																														
Place of use Legal Description for: IRRIGATION																																				
				NE						NW						SW						SE														
		NENE		NWNE		SWNE		SENE		: NENW		NWNW		SWNW		SENW		: NESW		NWSW		SWSW		SESW		: NESE		NWSE		SWSE		SESE		: SUM		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: SUM	
06S	39E	29	:								:								:							:										
06S	39E	30	:					36	:						30	:					40	:							30							
																													70.0							
																													66.0							
																													136.0							

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SNWV	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	:					:					:					:					:
06S	39E	30	:				S	:			S		:			S		:					:
			:					:					:					:	S				:

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 29	Field Inspection Flag: Presumption Flag: E	
Audit:	00/00/00 MCC 07/29/94 THOMPSON	03/29/95 POST-STD	

AJ5809NP
No. A29-10065

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 114

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	1.540 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:	1.540 CFS	
				CONSUMPTIVE USE:		340.00 AFA
	Water Source: PORTNEUF RIVER		Tributary to: SNAKE RIVER		Stage: DECREED	

MAY 7 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: A29-10065
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

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	1.540		
STOCKWATER	04/01	11/01	0.050		

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

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

9. Non-irrigation uses:
STOCKWATER - 150 CATTLE

A2910065



A29-10065

Page 1

Date: 05/15/89

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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: ~~DECREE~~
Case Number:
Court :
Decree date:

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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: _____

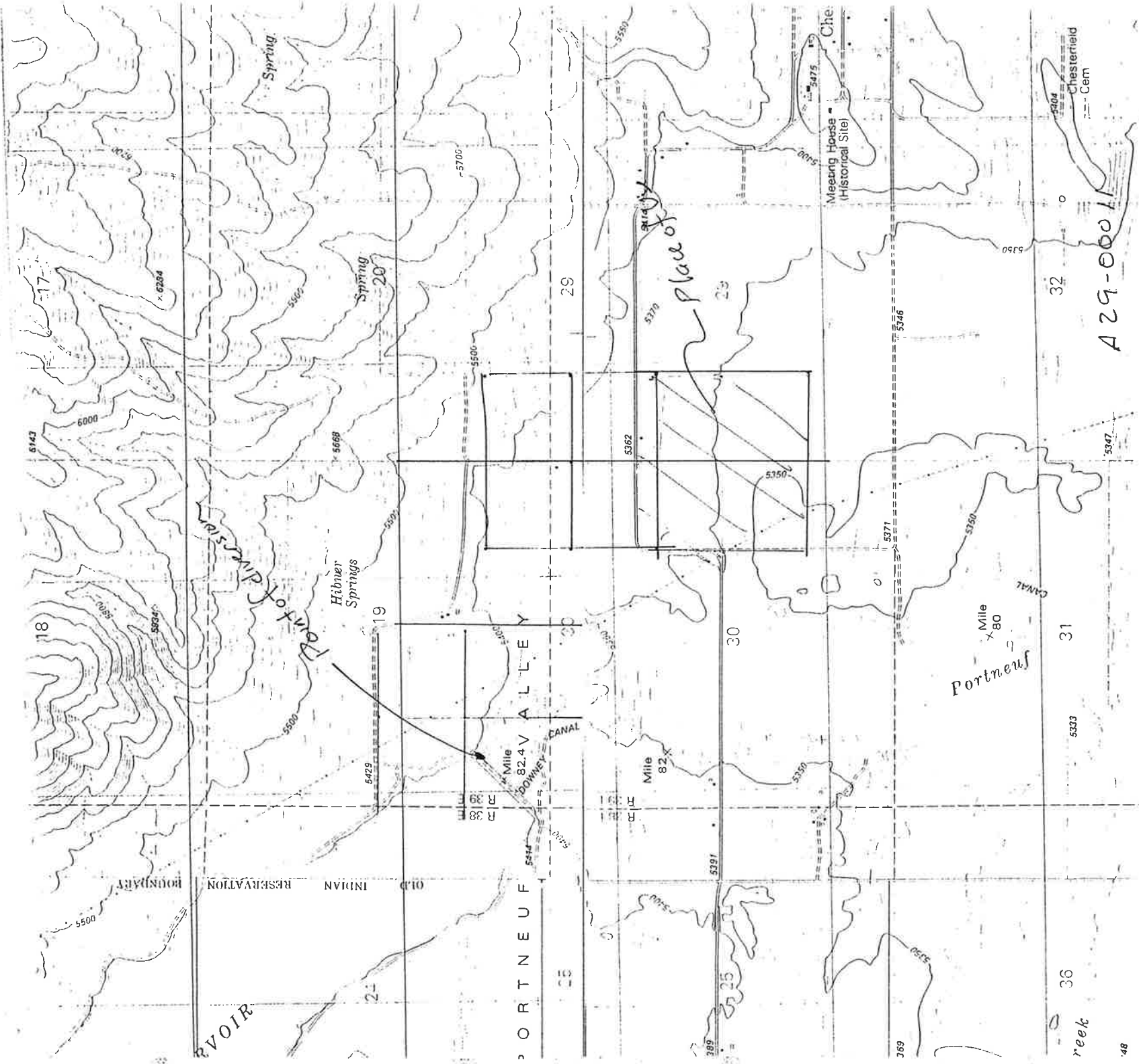
State of Idaho)
County of Banner) SS.

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

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-30-94
BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94



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NOV 13 1992

A29-10065