

RECEIVED

JUN 03 2020

WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

Ident. No. 65-23938

1. Name of applicant(s) Edgar Lynn and Dianna L. Fackrell Phone 208-407-6032  
 Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address 15 Timber Lane City Garden Valley  
 State Idaho ZIP 83622-6013 Email Dlynn6412@hotmail.com
2. Name of representative, if any \_\_\_\_\_ Phone \_\_\_\_\_  
 Mailing address \_\_\_\_\_ City \_\_\_\_\_  
 State \_\_\_\_\_ ZIP \_\_\_\_\_ Email \_\_\_\_\_
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR  
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR  
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Ground water which is a tributary of \_\_\_\_\_
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
09N	04E	16			SE	SW	Boise	Ground water	

5. Water will be used for the following purposes:
- Amount 0.16 for Domestic (four homes) purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount 0.04 for Commercial (tire shop) purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.20 cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. One well, serving water to 4 homes and Tire Shop. Closed distribution system. One pump.
- b. Height of storage dam N/A feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
- c. Proposed well diameter is 8 inches; proposed depth of well is 100 - 200 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? May 2020; drilling firm Coonse Well Drilling;  
 well was drilled for (well owner) Edgar and Dianna Fackrell; Drilling Permit No. \_\_\_\_\_

## For Department Use

Received by LE Date 06/03/2020 Time 10:00AM Preliminary check by AB  
 Fee \$ 100 Receipted by LE Receipt No. W046348 Date 06/03/2020

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
- c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households four homes
- e. Other; describe fully. Commercial is for Tire Shop

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	16												D					
09N	04E	21					D												

Total number of acres to be irrigated: N/A

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? \_\_\_\_\_

11. a. Who owns the property at the point of diversion? Edgar and Dianna Fackrell
- b. Who owns the land to be irrigated or place of use? Edgar and Lynn Fackrell own three homes and Tire Shop
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Paul and Carol Shepherd (son-in-law and daughter) own one home. Fackrells are supplying them water.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The homes and tire shop are currently supplied by a spring and a distribution system (see attached docs) Spring will be used as backup. Divert water from well to provide additional water to 4 homes and Tire shop. All users are family members.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Edgar Lynn Fackrell  
Signature of Applicant

Edgar Lynn Fackrell  
Print Name (and title, if applicable)

Dianna Lynn Fackrell  
Signature of Applicant

Diana LYNN FACKRELL  
Print Name (and title, if applicable)

FACKRELL EDGAR LYNN  
RP09N04E 167056

FACKRELL EDGAR LYNN  
RP09N04E 167045

Edgar Lynn  
FACKRELL BARBARA  
RP09N04E 167057

SHEPHERD PAUL E  
RP09N04E 212425

New well location

NEAR POE Rd

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re SRBA  
Case No. 39576PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 65-09460

1998 AUG 21 PM 1:25

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED

NAME AND ADDRESS: BARBARA FACKRELL  
ED FACKRELL  
15 TIMBER LN  
GARDEN VALLEY, ID 83622

SOURCE: SPRING TRIBUTARY: PAYETTE RIVER, MIDDLE FORK

QUANTITY: 0.04 CFS  
1.20 AFYTHE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 04/01/1955

POINT OF DIVERSION: T09N R04E S16 SESW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS 1.20 AFY

PLACE OF USE: Domestic T09N R04E S16 SESW Within Boise County

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

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

## RULE 54(b) CERTIFICATE

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

  
Daniel C. Hurlbutt, JR.  
Presiding Judge  
Snake River Basin Adjudication

**Instrument # 231931**

IDAHO CITY, BOISE COUNTY, IDAHO

7-12-2011 12:50:16 No. of Pages: 12

Recorded for : IAN W. GEE ATTY AT LAW

MARY T. PRISCO

Fee: 43.00

Ex-Officio Recorder Deputy

Index to: AGREEMENT

**Instrument # 226797**

IDAHO CITY, BOISE COUNTY, IDAHO

3-4-2010 03:49:45 No. of Pages: 9

Recorded for : IAN W. GEE ATTY AT LAW

CONSTANCE SWEARINGEN

Fee: 27.00

Ex-Officio Recorder Deputy

Index to: AGREEMENT

**WATER RIGHT AND EASEMENT AGREEMENT****PREAMBLE**

This Agreement is made this 3<sup>rd</sup> day of February, 2010, by and between Steven Semels, hereinafter referred to as "Grantor," and Edgar Lynn Fackrell and Dianna Lynn Fackrell, husband and wife, hereinafter referred to as "Grantees."

**RECITALS**

WHEREAS, Grantees own two parcels of real property commonly known as number 830 Banks-Lowman Road, Garden Valley, Idaho, hereinafter referred to as the "Grantees Property," which real property is more particularly described in Exhibit A, attached hereto.

WHEREAS, Grantor owns certain real property commonly known as Lots 1 and 2, Block 1 of the Craig Creek Subdivision located to the north of the Banks-Lowman Road in Garden Valley, Idaho, hereinafter referred to as the "Grantor's Property," which real property is more particularly described in Exhibit B, attached hereto; and

WHEREAS, the parties desire to establish certain rights in the Grantors Property for the benefit of the owners of the Grantees Property; and

WHEREAS, such rights include the appropriation and transmission of a surface spring water source from a location on the Grantors Property for the benefit of property owned by the grantees; and

WHEREAS, this water source is critical to the Grantees Property in that it represents the only domestic water source currently and historically used by Grantees Property.

NOW, THEREFORE, it is agreed as follows:

**GRANT OF WATER RIGHT**

1. Grant of Water Right. For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and to the extent Grantor has any actual ownership interest or claim of water right in the surface spring water source located on Grantor's Property identified in Exhibit C, Grantor does hereby grant a domestic water right to the Grantees, and to the successors in interest of the Grantees, as hereinafter described. This domestic water right shall be equally shared with the property identified in Exhibit D which is presently owned by George R. Rankin and Susan M. Rankin.

2. Character of Water Right. The water right granted herein is appurtenant to the Grantees Property and any future contiguous parcels of land owned by the Grantee. As such, the benefit of this water right shall automatically pass to any future owner of the Grantees Property.

3. Description of Water Right. The water right granted herein is from a ground spring source located on the Grantors Property. This water right is expressly granted for the purpose of domestic water use only for the Grantees Property. For purposes of this Agreement "domestic use" shall be defined as general household use such as drinking, bathing, laundry and general kitchen use. With the exception of minimal outdoor plant watering, this right shall not include irrigation watering rights for the Grantees Property.

4. Nonexclusive Right. The water right granted herein is nonexclusive. The current and future owners of the Grantors Property shall retain the right to use water from the same surface water spring source so long as that use does not interfere or diminish the water flow to the Grantees and their domestic use.

#### GRANT OF EASEMENT

1. Grant of Easement. For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, an easement is hereby granted by the Grantor to the Grantees, and to the assignees or successors in interest of the Grantees, as hereinafter described.

2. Character of Easement. The easement granted herein is appurtenant to the Grantees Property. As such, the benefit of this easement shall automatically pass to any future owners of the Grantees Property.

3. Description of Easement. The easement granted herein is granted for the purpose of a spring water collection system, water tank and water line located on the Grantors Property for the benefit of the Grantees Property.

4. Location of Easement. The easement granted herein shall cover the existing location of the water collection system, water tank and the water line as located at the date of this Agreement as designated on Exhibit C, attached hereto. As depicted on Exhibit C, the water line travels approximately 900 feet in a southeastern heading, then turns for approximately 50 feet in an eastern heading before making a 90 degree turn in a southern heading for approximately 60 feet to the southern boundary of Grantor's Lot 2 and the Banks Lowman Road right of way.

5. Use by Grantees Property. The easement granted herein shall permit the owners of the Grantees Property, including any agents thereof, access to and from the Grantors Property, or any portion or part thereof, for any type of maintenance or utility service to the water collection system, water tank or water line.

6. Nonexclusive Easement. The easement granted herein is nonexclusive. The current and future owners of the Grantors Property shall retain the right to use the effected property so long as that use does not interfere with the easement granted hereby. Further, the Grantees hereby waive and relinquish any claim or potential claim which they may now hold, or which they may hereafter acquire, in the nature of a prescriptive easement, adverse possession, boundary by agreement, or any such similar claim which may have the tendency or effect of limiting or voiding this easement.

7. Maintenance and Repair. Unless actually utilized by the Grantor, all costs involved in the maintenance and/or repair of the water collection system, water tank and water line shall be the responsibility of the Grantees. If the Grantor or the successors of the Grantor actually make use of the water tank and water line covered by this easement, any related costs of maintenance or repair shall be paid by Grantor and Grantees, as well as any other participating water user, in equal shares.


#### MISCELLANEOUS TERMS

1. Entire Agreement. This instrument contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect excepting a subsequent modification in writing signed by the party to be charged.

2. Attorney Fees. In the event of any controversy, claim, or dispute relating to this instrument or the breach hereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys fees, and costs.

3. Binding Affect. This instrument shall bind and continue for the benefit of the respective heirs, personal representatives, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above-written.

  
Steven Semels, Grantor

  
Edgar Lynn Fackrell, Grantee

  
Dianna Lynn Fackrell, Grantee

STATE OF IDAHO    )  
                              ) ss.  
County of Boise    )

On this 4<sup>th</sup> day of February, 2010, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Steven Semels, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have here unto set my hand and affixed by official seal this day and year in this certificate first above-written.



*Janet L. Yardley*  
Notary Public for Idaho  
Residing at Garden Valley, Idaho  
My commission expires: 07/02/2013

STATE OF IDAHO    )  
                              ) ss.  
County of Boise    )

On this 3<sup>rd</sup> day of February, 2010, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Edgar Lynn Fackrell and Dianna Lynn Fackrell, husband and wife, known to me to be the persons whose name(s) are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have here unto set my hand and affixed by official seal this day and year in this certificate first above-written.



*Janet L. Yardley*  
Notary Public for Idaho  
Residing at Garden Valley, Idaho  
My commission expires: 07/02/2013

EXHIBIT C

KEY:  
○ SPRING  
○ WATER TANK  
→ WATER LINE

- NOTES
1. A 12 foot utility and easement easement shall be set on the line of the road and along the subdivision boundary, and a 12 foot easement shall be set on the line of the road.
  2. Building without knowledge in the subdivision and conform with the applicable zoning regulations in effect at the time of issuance of a plat shall not be subject to the provisions of this subdivision.
  3. Lots shall not be reduced by area without prior approval of the applicable local authority and the State County Commissioners.
  4. The County assumes no responsibility for maintenance of the private road.
  5. All roads shown herein are for the purpose only.
  6. Utility and drainage easements along roads may be used as a road right of way easement and law more along.
  7. The developer shall comply with the State Code Section 11-2002, relating to the subdivision of land.
  8. All construction within 25 feet of the easement of Craig Creek shall require the written approval of the State County Engineer.
  9. The State of Idaho for the land located within this subdivision are owned by the State of Idaho.
  10. Any additional vehicles, other than those to the Home-Lowman Road, shall require approval and a permit by the State County Road and Bridge Department.

CURVE TABLE

MARKER	DELTA	ARC LENGTH	CHORD	CHORD BEG.	CHORD END
C1	287°03'30"	180.00	180.00	00.00	00.00
C2	37°07'30"	180.00	101.85	00.00	00.00
C3	37°13'14"	180.00	101.85	00.00	00.00
C4	184°01'14"	180.00	101.85	00.00	00.00
C5	204°11'00"	180.00	101.85	00.00	00.00
C6	108°18'43"	180.00	101.85	00.00	00.00
C7	41°31'38"	180.00	101.85	00.00	00.00
C8	64°36'38"	180.00	101.85	00.00	00.00
C9	27°41'38"	180.00	101.85	00.00	00.00

FACKRELL PROPERTY

1/4 CORNER  
1/4 CORNER  
1/4 CORNER



STEVE SKIDMORE  
Developer  
Gordon Valley, Idaho  
BRICKS ENGINEERING, INC.  
Boise, Idaho

LEGEND  
BEG. LINE OF 1/4 SECTION 16, T. 1 S., R. 1 E., S. 1/4  
END LINE OF 1/4 SECTION 16, T. 1 S., R. 1 E., S. 1/4  
BEG. LINE OF 1/4 SECTION 16, T. 1 S., R. 1 E., S. 1/4  
END LINE OF 1/4 SECTION 16, T. 1 S., R. 1 E., S. 1/4

PLAT OF  
CRAIG CREEK SUBDIVISION  
A MINOR SUBDIVISION  
IN THE SW 1/4 OF SECTION 16, T. 1 S., R. 1 E., S. 1/4  
BOISE COUNTY, IDAHO  
2002



EXHIBIT A  
DESCRIPTION FOR GRANTEE'S PROPERTY (FACKRELL)

**Property #1 (house):**

A parcel of land situated within a portion of the southeast  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$ , Section 16 Township 9 North, Range 4 East, Boise Meridian, Boise County, Idaho, described as follows:

Commencing at a found brass cap monument marking the southeast corner of said Section 16; thence westerly along the southerly line of said Section 16 South  $89^{\circ} 20' 53''$  West a distance of 2649.47 feet to a found steel pin monumenting the southeast corner of said southwest  $\frac{1}{4}$ ; thence leaving said southerly line North  $00^{\circ} 00' 17''$  East a distance of 808.16 feet to a found steel pin on the southerly rights-of-way line of the Banks – Lowman Road; thence along said southerly rights-of-way line South  $63^{\circ} 16' 08''$  West a distance of 140.40 feet to a point; thence North  $26^{\circ} 44' 59''$  West a distance of 20.00 feet to a point; thence South  $63^{\circ} 15' 01''$  West a distance of 697.82 feet to a set steel pin and the POINT OF BEGINNING.

Thence leaving said southerly rights-of-way line South  $22^{\circ} 37' 37''$  East a distance of 181.74 feet to a set steel pin;  
Thence South  $58^{\circ} 43' 55''$  West a distance of 443.26 feet to a set steel pin at the high water line of the right bank of the middle fork of the Payette River;  
Thence northwesterly along said high water line North  $64^{\circ} 09' 33''$  West a distance of 176.52 feet to a point;  
Thence continuing North  $81^{\circ} 29' 37''$  West a distance of 45.01 feet to a set steel pin on said southerly rights-of-way line of the Banks – Lowman Road;  
Thence along said southerly rights-of-way line North  $63^{\circ} 15' 01''$  East a distance of 146.76 feet to a set steel pin;  
Thence North  $26^{\circ} 44' 59''$  West a distance of 50.00 feet to a set steel pin;  
Thence North  $63^{\circ} 15' 01''$  East a distance of 452.18 feet to the POINT OF BEGINNING

The above-described tract of land contains 2.29 acres, more or less, subject to all existing easements and rights-of-way.

**Property #2 (shop):**

A parcel of land situated within a portion of the southeast  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$ , Section 16 Township 9 North, Range 4 East, Boise Meridian, Boise County, Idaho, described as follows:

Commencing at a found brass cap monument marking the southeast corner of said Section 16; thence westerly along the southerly line of said Section 16 South  $89^{\circ} 20' 53''$  West a distance of 2649.47 feet to a found steel pin monumenting the southeast corner of said southwest  $\frac{1}{4}$ ; thence leaving said southerly line North  $00^{\circ} 00' 17''$  East a distance of 808.16 feet to a found steel pin on the southerly rights-of-way line of the Banks – Lowman Road; thence along said southerly rights-of-way line South  $63^{\circ} 15' 01''$  West a distance of 140.40 feet to a point; thence North  $26^{\circ} 44' 59''$  West a distance of 20.00 feet to a point; thence South  $63^{\circ} 15' 01''$  West a distance of 385.89 feet to a found steel pin and the POINT OF BEGINNING

Thence leaving said southerly rights-of-way line South  $15^{\circ} 42' 48''$  East a distance of 418.91 feet to a point,  
Thence North  $73^{\circ} 33' 00''$  West a distance of 335.83 feet to a set steel pin;  
Thence North  $22^{\circ} 37' 37''$  West a distance of 181.74 feet to a set steel pin on said southerly rights-of-way line of the Banks-Lowman Road;  
Thence along said southerly rights-of-way line North  $63^{\circ} 15' 01''$  East a distance of 311.93 feet to the POINT OF BEGINNING

The above-described tract of land contains 2.02 acres, more or less, subject to all existing easements and rights-of-way.

**EXHIBIT B**  
**DESCRIPTION FOR GRANTORS PROPERTY (SEMELS)**

**THREE RIVERS LAND SURVEYING, P.C.****Lot 1-Amended**  
**Craig Creek Subdivision**

A parcel of land situated within Lot 1 and Lot 2, Craig Creek Subdivision as recorded in Instrument No. 188213 of the Boise County records and being situated in the Southwest One-Quarter (SW¼), Section 16, Township 9 North, Range 4 East of the Boise Meridian, Boise County, Idaho (with all bearing contained herein being relative to the bearings as shown on the plat of Craig Creek Subdivision as filed in Instrument No. 188213 of the Boise County, Idaho records). Said parcel of land being more particularly described as follows:

Commencing at the South One-Quarter (S¼) corner of said Section 16, being a found 5/8" rebar; thence North 43°20'51" West, a distance of 878.88 feet to the Southeasterly corner of said Lot 2 of Craig Creek Subdivision, a found 1/2" rebar with cap, marked L.S. 4998; thence along Northerly Right-of-Way line of the Banks-Lowman Road, South 63°11'02" West, a distance of 295.48 feet, a set 5/8" rebar with cap marked L.S. 11712 the True Point of Beginning; thence continuing along said Northerly Right-of-Way line of the Banks-Lowman Road, South 63°11'02" West, a distance of 222.54 feet being a found 1/2" rebar with cap marked L.S. 4998; thence along the exterior of said Lot 1, Craig Creek Subdivision the following twelve (12) courses:

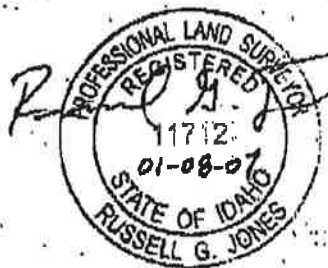
- 1) thence North 29°33'14" West, a distance of 331.13 feet to a found 5/8" rebar with cap marked L.S. 4998; thence
- 2) South 72°17'27" West, a distance of 388.57 feet to a found 5/8" rebar with cap marked L.S. 4998; thence
- 3) North 07°18'16" West, a distance of 645.52 feet to a found 5/8" rebar with cap marked L.S. 5618; thence
- 4) North 12°31'03" West, a distance of 82.34 feet to a found 5/8" rebar with cap marked L.S. 5618; thence
- 5) North 00°18'58" East, a distance of 127.62 feet to a found 5/8" rebar with cap marked L.S. 5618; thence
- 6) North 70°26'25" East, a distance of 74.10 feet; to a found 5/8" rebar with cap marked L.S. 5618; thence
- 7) North 89°54'53" East, a distance of 77.35 feet to a found 5/8" rebar with cap marked L.S. 5618; thence
- 8) South 52°55'37" East, a distance of 70.42 feet to a found 5/8" rebar with cap marked L.S. 5618; thence
- 9) South 87°57'45" East, a distance of 862.47 feet to a found 1/2" rebar with cap marked L.S. 4998; thence
- 10) South 23°10'47" West, a distance of 443.57 feet to a found 1/2" rebar with cap marked L.S. 4998; thence
- 11) South 35°20'42" East, a distance of 40.01 feet to a found 5/8" rebar with cap marked L.S. 4998; thence

805 So. Middle Fork Road  
Garden Valley, Idaho 83622  
(208) 462-2266  
Fax: (208) 462-2268

12) 89.83 feet along arc of a curve to the right, having a central angle of 28°09'20" South 54°37'58" West a radius of 183.00 feet, (long chord bears South 21°16'02" East, a distance of 89.04 feet to a found ½" rebar with cap marked L.S. 11712; thence South 82°00'00" West, a distance 33.00 feet to a point on the centerline of a sixty-six (66) foot wide road easement, a set 5/8" rebar with cap marked L.S. 11712; thence along the centerline of said road easement the following three (3) courses:

- 1) thence 75.64 feet along the arc of a curve to the right, having a central angle of 28°53'28", a radius of 150.00 feet, (long chord bears South 07°26'07" West, a distance of 74.84 feet), a set 5/8" rebar with cap marked L.S. 11712; thence
- 2) South 21°52'51" West, a distance of 178.57 feet to a set 5/8" rebar with cap marked L.S. 11712; thence
- 3) 103.65 feet along the arc of a curve to the left, having a central angle of 37°07'03", a radius of 160.00 feet, (long chord bears South 03°19'20" West, a distance of 101.65 feet to the True Point of Beginning. Said parcel of land containing 17.05 acres, more or less.

January 4, 2007





## THREE RIVERS LAND SURVEYING, P.C.

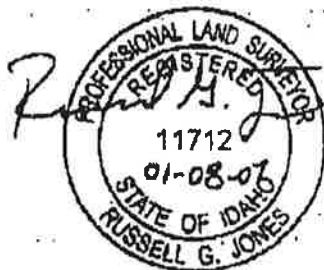
### Lot 2-Amended Craig Creek Subdivision

A parcel of land situated within Lot 2, Craig Creek Subdivision as recorded in Instrument No. 188213 of the Boise County records and being situated in the Southwest One-Quarter (SW $\frac{1}{4}$ ), Section 16, Township 9 North, Range 4 East of the Boise Meridian, Boise County, Idaho (with all bearing contained herein being relative to the bearings as shown on the plat of Craig Creek Subdivision as filed in Instrument No. 188213 of the Boise County, Idaho records). Said parcel of land being more particularly described as follows:

Commencing at the South One-Quarter (S $\frac{1}{4}$ ) corner of said Section 16, being a found  $\frac{5}{8}$ " rebar; thence North  $43^{\circ}20'51"$  West, a distance of 878.88 feet to the Southeasterly corner of said Lot 2 of Craig Creek Subdivision, a found  $\frac{1}{2}$ " rebar with cap, marked L.S. 4998, the True Point of Beginning; thence along the Northerly Right-of-Way line of the Banks-Lowman Road, South  $83^{\circ}11'02"$  West, a distance of 295.48 feet, to the centerline of a sixty-six (66) foot wide road easement, a set  $\frac{5}{8}$ " rebar with cap marked L.S. 11712; thence along the centerline of said road easement the following three (3) courses:

- 1) 103.65 feet along the arc of a curve to the right, having a central angle of  $37^{\circ}07'03"$ , a radius of 150.00 feet, (long chord bears North  $03^{\circ}19'20"$  East, a distance of 101.85 feet to a set  $\frac{5}{8}$ " rebar with cap marked L.S. 11712;
- 2) North  $21^{\circ}52'51"$  East, a distance of 178.57 feet to a set  $\frac{5}{8}$ " rebar with cap marked L.S. 11712; thence
- 3) 75.84 feet along the arc of a curve to the left, having a central angle of  $28^{\circ}53'28"$ , a radius of 150.00 feet, (long chord bears North  $07^{\circ}26'07"$  East, a distance of 74.84 feet), a set  $\frac{5}{8}$ " rebar with cap marked L.S. 11712; thence North  $82^{\circ}00'00"$  East, a distance of 173.84 feet to a found  $\frac{1}{4}$ " rebar; thence South  $02^{\circ}18'38"$  East, a distance of 232.89 feet to the True Point of Beginning. Said parcel of land containing 1.41 acres, more or less.

January 4, 2007



805 So. Middle Fork Road  
Garden Valley, Idaho 83622  
(208) 462-2266  
Fax (208) 462-2268

EXHIBIT B

## EXHIBIT D

## DESCRIPTION FOR RANKIN PROPERTY

A parcel of land located in the SW  $\frac{1}{4}$  of Section 16, Township 9 North, Range 4 East of the Boise Meridian, Boise County, Idaho, being more particularly described as follows:

Commencing at the southwest corner of Section 16, T.9 N., R.4 E., B.M., thence N  $89^{\circ}20'53''$  E 2649.45 feet to the southeast corner of the SW  $\frac{1}{4}$  (south  $\frac{1}{4}$  corner) of said Section 16;

Thence N  $0^{\circ}17'06''$  W 941.54 feet to the southwest corner of platted Lot 1, Block 1 of Mountain Shadows Subdivision No.1 as recorded at the Boise County Records Office,

Along the northerly right-of way of Banks-Lowman Road the following;

Thence S  $63^{\circ}11'02''$  W 279.06 feet to a point;

Thence N  $26^{\circ}48'58''$  W 10.00 feet to a point;

Thence S  $63^{\circ}11'02''$  W 200.00 feet to a point;

Thence S  $26^{\circ}48'58''$  E 10.00 feet to a point;

Thence S  $63^{\circ}11'02''$  W 709.19 feet to the **REAL POINT OF BEGINNING** of this description;

Thence S  $63^{\circ}11'02''$  W 140.81 feet to a point;

Thence N  $26^{\circ}48'58''$  W 10.00 feet to a point;

Thence S  $63^{\circ}11'02''$  W 90.28 feet to a point;

Thence along a spiral curve to the left whose chord bears S  $61^{\circ}29'51''$  W 205.16 feet to a point;

Thence along a curve to the left 106.49 feet, said curve having a radius of 1205.92 feet, a central angle of  $05^{\circ}03'35''$ , tangents of 53.28 feet, and a chord which bears S  $56^{\circ}01'11''$  W 106.46 feet to a point on a curve;

Leaving said northerly right-of way;

Thence N  $07^{\circ}18'16''$  W 426.04 feet to a point;

Thence N  $72^{\circ}17'27''$  E 388.57 feet to a point;

Thence S  $29^{\circ}33'14''$  E 331.13 feet to the **REAL POINT OF BEGINNING** of this description.

This parcel comprising of 3.81 acres, more or less.

Michael E. Marks, PLS, No. 4998




## Water Right Application

Ken Neely <knneely@gmail.com>

Tue 5/26/2020 10:25 PM

To: LARRY HELLHAKE <ljhres@msn.com>

 1 attachments (306 KB)

20200526112904.pdf;

Hi Larry,

Attached is the application that I submitted to IDWR on May 11. I spoke with Patrick Kelly today and he told me 3 things:

1. The application fee is \$100.
2. It needs to be signed.
3. If the spring water is tied into the distribution system for the four homes, and there is a water right established for the spring, we'll need to provide that information, and IDWR can advise as to how that is handled with the new water right. I couldn't remember if the spring water is going to be used in conjunction with the well water, or as a back up, or ?

If you want me to provide a printed version of the application, I can get it printed and either hand deliver it to you somewhere (Moxie?) or mail it to you.

Ken

--

"I was addicted to the hokey pokey, but I turned myself around"



MAY 11 2020  
INCOMPLETE  
WATER RESOURCE  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

Ident. No. \_\_\_\_\_

1. Name of applicant(s) Edgar Lynn and Dianna L. Fackrell Phone 208-407-6032  
 Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address 15 Timber Lane City Garden Valley  
 State Idaho ZIP 83622-6013 Email Dlynn6412@hotmail.com
2. Name of representative, if any \_\_\_\_\_ Phone \_\_\_\_\_  
 Mailing address \_\_\_\_\_ City \_\_\_\_\_  
 State \_\_\_\_\_ ZIP \_\_\_\_\_ Email \_\_\_\_\_
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR  
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR  
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Ground water which is a tributary of \_\_\_\_\_
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
09N	04E	16			SE	SW	Boise	Ground water	
09W	04E	16			SE	SW	Boise	Ground water	

5. Water will be used for the following purposes:
- Amount 0.16 for Domestic (4 homes) purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount 0.04 for Commercial (tire shop) purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.20 cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. One well, serving water to 4 homes. Closed distribution system. One pump in the well.
- b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is 8 inches; proposed depth of well is 100-200 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? May 2020; drilling firm Coarse Well Drilling; well was drilled for (well owner) Edgar and Lynn Fackrell; Drilling Permit No. \_\_\_\_\_

## For Department Use

Received by LE Date 05/11/2020 Time 11:00AM Preliminary check by \_\_\_\_\_  
 Fee \$ \_\_\_\_\_ Received by \_\_\_\_\_ Receipt No. \_\_\_\_\_ Date \_\_\_\_\_

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
  - Stockwatering; list number and kind of livestock. \_\_\_\_\_
  - Municipal; must complete and attach the Municipal Water Right Application Checklist.
  - Domestic; show number of households 4 homes
  - Other; describe fully. Commercial is for tire shops

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	16												D					
09N	04E	21					D												

Total number of acres to be irrigated: NA

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? \_\_\_\_\_

11. a. Who owns the property at the point of diversion? Edgar & Lynn Fackrell  
b. Who owns the land to be irrigated or place of use? Edgar & Lynn Fackrell own 3 of the homes,  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Paul Shepherd owns 1 home, to the south. The Fackrells are supplying water to the shepherds

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Divert water from well to provide additional water for 4 homes. The homes are currently supplied by a spring and a distribution system. The well is to be tied into the existing distribution system. All users are family members

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

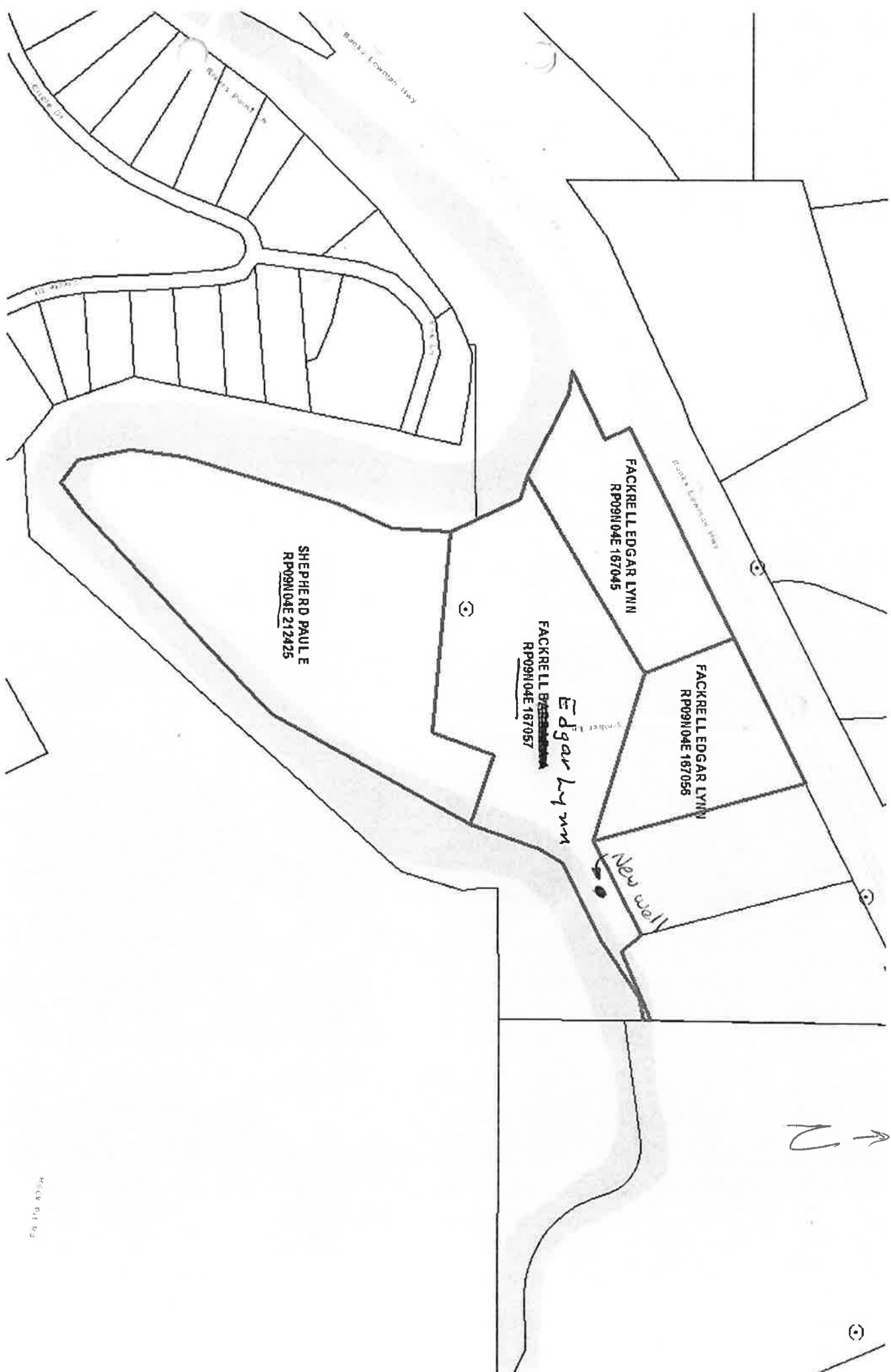
**The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.**

Signature of Applicant \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

Print Name (and title, if applicable) \_\_\_\_\_

Print Name (and title, if applicable) \_\_\_\_\_





State of Idaho

## DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

June 26, 2020

EDGAR FACKRELL  
DIANNA L. FACKRELL  
15 TIMBER LN  
GARDEN VALLEY, ID 83622-6013

### RE: Application for Permit No. 65-23938

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO WORLD on 7/1/2020 and 7/8/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Kensie Thorneycroft  
Administrative Assistant

## Thorneycroft, Kensie

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**From:** Thorneycroft, Kensie  
**Sent:** Friday, June 26, 2020 10:41 AM  
**To:** 'Eileen Capson'  
**Subject:** Boise Legal Notices  
**Attachments:** CoverLetter.docx; LegalNotice.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 07/01/2020 and 07/08/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft  
Administrative Assistant  
IDWR Western Region  
208-334-2190



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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Brad Little  
Governor

Gary Spackman  
Director

June 26, 2020

LEGAL NOTICE DEPARTMENT  
IDAHO WORLD  
PO BOX 50248  
BOISE, ID 83705

RE: Application for Permit No. 65-23936, 65-23938

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 7/20/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft  
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

**65-23936**

JOSEFINA R JINDRICH

RANDY HALL

159 ANDERSON CREEK RD

GARDEN VALLEY, ID 83622-8095

Point of Diversion SESW S14 T09N R04E BOISE County Source ANDERSON CREEK Tributary PAYETTE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 0.6 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 0.4 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS

Total Diversion: 0.2 CFS, 1 AF

Date Filed: 06-09-2020

Place Of Use: AESTHETIC STORAGE, DIVERSION TO STORAGE, STOCKWATER STORAGE

T09N R04E S14 SESW

**65-23938**

EDGAR FACKRELL

DIANNA L. FACKRELL

15 TIMBER LN

GARDEN VALLEY, ID 83622-6013

Point of Diversion SESW S16 T09N R04E BOISE County Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.04 CFS

Use: DOMESTIC 01/01 to 12/31 0.16 CFS

Total Diversion: 0.2 CFS

Date Filed: 06-03-2020

Place Of Use: COMMERCIAL, DOMESTIC

T09N R04E S16 SESW

Place Of Use: DOMESTIC

T09N R04E S21 NENW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 7/20/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/1/2020 and 7/8/2020

## Bradbury, Allen

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**From:** Dianna Fackrell <dlynn6412@hotmail.com>  
**Sent:** Monday, June 22, 2020 9:22 AM  
**To:** Bradbury, Allen  
**Subject:** Re: Application for Permit to Appropriate Water No. 65-23938

Dear Mr. Bradbury,  
parcel RP09N04E167045 (2 residence Ed & Dianna Fackrell), RP09N04E167057 (1 residence Mother, Ed & Dianna Fackrell owner), RP09N04E167056 (Tire shop owned by Ed & Dianna Fackrell), RP09N04E212425 (2 residence Paul & Carol Shepherd).

Thank You  
Dianna Fackrell

---

**From:** Bradbury, Allen <Allen.Bradbury@idwr.idaho.gov>  
**Sent:** Thursday, June 18, 2020 3:36 PM  
**To:** Dlynn6412@hotmail.com <Dlynn6412@hotmail.com>  
**Subject:** RE: Application for Permit to Appropriate Water No. 65-23938

Dear Mr. & Mrs. Fackrell,

I am working on your permit application for ground water in Garden Valley. In my initial review of the application, the only thing I found missing was a description of the number of residences on each parcel. Looking at aerial photos I guessed the following situation.

Parcels RP09N04E167045 (one residence), RP09N04E167057 (two residences), and RP09N04E167056 (Tire Shop) are owned by you, the applicant. The applicant (parents) are also supplying water to parcel RP09N04E212425 (one residence), owned by Paul and Carol Shepherd (son-in-law and daughter). One well will supply water to 4 homes and the Tire Shop. Please let me know how many residences are on each of the four parcels.

Once I receive this information I can continue to prepare your application for advertising. Please email your response within **thirty (30) days** of the date of this email. Let me know if you have any questions regarding the content of this email. Thank you for your time and attention to these matters.

Regards,

Allen Bradbury

*Water Resource Agent, Sr.*  
*IDWR-Western Region*  
*Phone: (208) 334-2190*  
*Email: [Allen.Bradbury@idwr.idaho.gov](mailto:Allen.Bradbury@idwr.idaho.gov)*

## Bradbury, Allen

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**From:** Bradbury, Allen  
**Sent:** Thursday, June 18, 2020 3:37 PM  
**To:** 'Dlynn6412@hotmail.com'  
**Subject:** RE: Application for Permit to Appropriate Water No. 65-23938

Dear Mr. & Mrs. Fackrell,

I am working on your permit application for ground water in Garden Valley. In my initial review of the application, the only thing I found missing was a description of the number of residences on each parcel. Looking at aerial photos I guessed the following situation.

Parcels RP09N04E167045 (one residence), RP09N04E167057 (two residences), and RP09N04E167056 (Tire Shop) are owned by you, the applicant. The applicant (parents) are also supplying water to parcel RP09N04E212425 (one residence), owned by Paul and Carol Shepherd (son-in-law and daughter). One well will supply water to 4 homes and the Tire Shop. Please let me know how many residences are on each of the four parcels.

Once I receive this information I can continue to prepare your application for advertising. Please email your response within **thirty (30) days** of the date of this email. Let me know if you have any questions regarding the content of this email. Thank you for your time and attention to these matters.

Regards,

Allen Bradbury

*Water Resource Agent, Sr.*

*IDWR-Western Region*

*Phone: (208) 334-2190*

*Email: [Allen.Bradbury@idwr.idaho.gov](mailto:Allen.Bradbury@idwr.idaho.gov)*