

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 31-10392A
Date Received: 12/26/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DOUGLAS M FRANSEN Phone: (208) 657-2239

856 E 2400 N
PO BOX 8
MONTEVIEW ID USA 83435

2. Date of Priority: 04/01/1954

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	33E	1	NW NW	JEFFERSON	

5. Description of diverting works:

Well and pivot

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.22	

7. Total Quantity Appropriated is:
0.22 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	33E	1	NE	NW	IRRIGATION	32.1
			NW	NW	IRRIGATION	32.2
			SW	NW	IRRIGATION	32.2
			SE	NW	IRRIGATION	32.1
					Section Acres	128.6
					Total Acres	128.6

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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.

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 RECEIVED)
Case No. 39576 NOV 18 2003)
Department of Water Resources)
Eastern Region)

ORDER SETTING HEARING ON
MOTION TO SET ASIDE PARTIAL
DECREE

SUBCASE NOS.: 31-2246, 31-2258G,
31-2258H, 31-2281, 31-4128, 31-10392A,
31-10392B, and 31-11284

On November 7, 2003 this court received unsigned correspondence from Douglas M. Fransen indicating there may be some problem with water rights previously decreed by the SRBA court. The correspondence does not identify any water right numbers. However, the SRBA clerk's office docketed the correspondence in the eight subcases listed above since these subcase numbers were referred to on a map attached to the correspondence. The court requests that Douglas M. Fransen provide additional information regarding his correspondence.

- 1) Is Mr. Fransen intending to ask the court to set aside partial decrees in the SRBA?
- 2) What water right numbers does Mr. Fransen wish to refer to?
- 3) If Mr. Fransen seeks a change in the legal description of the place of use for any identified water rights, please indicate exactly what the change should be.

If the changes that are sought by Mr. Fransen involve water rights claimed by the Montevieu Canal Company, that entity should attend the hearing to discuss the motion and the water rights involved.

Please be advised that Special Master Brigitte Bilyeu has set the following hearing in the above subcases as follows:

November 25, 2003

10:00 a.m.

Hearing on Motion to Set Aside Partial Decree
Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by phone by dialing conference call number 1-225-383-1099 and when prompted enter the participant code 926509.

Dated: November 17, 2003


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDER SETTING HEARING ON MOTION TO SET ASIDE PARTIAL DECREE WAS MAILED ON November 17, 2003, WITH SUFFICIENT FIRST-CLASS POSTAGE TO THE FOLLOWING:

Douglas M Fransen
PO Box 8
Monteview, Idaho 83435

Monteview Canal Company
648 E 2600 N
Monteview, Idaho 83435

Ray Rigby
PO Box 250
Rexburg, Idaho 83440-0250

IDWR
Eastern Regional Office
900 N. Skyline Dr.
Idaho Falls. Idaho 83402

Director of IDWR
PO Box 83720
Boise, Idaho 83720-0098


Deputy Clerk

c. If the correspondence is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes a partial decree should be set aside or amended, the recommendation should not only include that the partial decree be amended or set aside, but should also include how the elements of the water right should be partially decreed.

2. The original of this *Order* shall be placed in the subcase file and the file transferred to the Special Master for proceedings consistent with this *Order*.

3. The Special Master shall issue a *Special Master's Report and Recommendation* on the matter consistent with *AOI*.

IT IS SO ORDERED.

DATED November 13, 2003.



JOHN MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

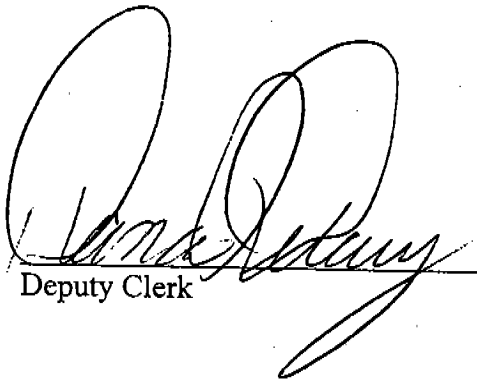
I certify that a true and correct copy of the ORDER OF REFERENCE TO SPECIAL MASTER BRIGETTE BILYEU was mailed on November 13, 2003, with sufficient first-class postage to the following:

Douglas M Fransen
PO Box 8
Monteview, ID 83435

Monteview Canal Company
648 E 2600 N
Monteview, ID 83435

IDWR
Eastern Regional Office
900 N Skyline Dr
Idaho Falls, ID 83402

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



Deputy Clerk

EXHIBIT A

Subcase Nos:

31-02246
31-02258G
31-02258H
31-02281
31-04128
31-10392A
31-10392B
31-11284



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 6, 2001

JANICE FRANSEN
445 S. 3RD E
REXBURG ID 83440-2503

RE: CHANGE OF ADDRESS FOR A31-02246, A31-02258D,
A31-02258G A31-02258H A31-02281, A31-04128, A31-10392,
A31-10392A, A31-10392B, A31-10568, A31-10569

Dear Ms. Fransen:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

JANICE FRANSEN
PO BOX 8
MONTEVIEW ID 83435

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

January 9, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN: AMY
FARM CREDIT SERVICES
2225 W BROADWAY STE A
IDAHO FALLS ID 83402

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 31-2246, 31-2258D,
31-2281, 31-4128, 31-10392, 31-10392A, 31-10567, 31-10568, 31-
10569, 31-11280, 31-11284

Dear Amy:

The request for Change of Water Right Ownership concerning 31-2246, 31-2258D, 31-2281, 31-4128, 31-10392, 31-10392A, 31-11284 have been processed and the Department's records updated to reflect Mr. Fransen as the new claimant.

The enclosed reports show this change along with listing the elements of the water right being claimed. Please review these reports and contact this office if there are corrections or questions.

31-10567, 31-10568, 31-10569, 31-11280 are processed at our state headquarters in Boise. I forwarded this request to them on January 9, 2001. To follow up on the status of these changes please contact the Allocations Bureau at (208) 327-7900.

Respectfully yours,


Jennifer Crabtree
Technical Records Specialist

RECEIVED

JAN 08 2001

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

Department of Water Resources
Eastern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A31-10567 <i>4pd</i>	N		✓ A31-02281 <i>4</i>	N	
✓ A31-10568 <i>4pd</i>	N		✓ A31-04128 <i>4</i>	N	
✓ A31-10569 <i>4pd</i>	N		✓ A31-10392 (A:B?) <i>4</i>	N	
✓ A31-02246 <i>4</i>	N		A31-11284 <i>4</i>	N	
✓ A31-02258D <i>4</i>	N		A31-11280 <i>pd</i>	N	

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s)

Douglas M. or Janice Fransen
Janice Fransen

4. New Owner/Claimant(s)

Douglas M. Fransen
 Name Connector (Check one): [] and [] or [] and/or

New Mailing Address

856E 2400N, P.O. Box 8114

City, State and ZIP Code

Montevideo Id 83435

New Telephone Number

(208) 657-2239

5. Date you acquired the property

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5199

WATER RIGHT NO(S). 31-02258G/A31-10392A & 31-02258H/A31-10392B

RECEIVED

JUN 24 1998

Department of Water Resources
Eastern Region

This is to certify that: DOUGLAS FRANSEN
JANICE FRANSEN
PO BOX 8
MONTEVIEW ID 83435

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-02258G :			
IRRIGATION	04/15 to 10/15	2.33 CFS	407.8 AF
Priority: 11/23/1935			
Right No. A31-10392A :			
IRRIGATION	04/15 to 10/15	* 0.22 CFS	42.4 AF
Priority: 04/01/1944			
SUBTOTAL:		* 2.33 CFS	450.2 AF
Right No. 31-02258H :			
IRRIGATION	04/15 to 10/15	0.47 CFS	82.2 AF
Priority: 11/23/1935			
Right No. A31-10392B :			
IRRIGATION	04/15 to 10/15	** 0.04 CFS	8.4 AF
Priority: 04/01/1944			
SUBTOTAL:		** 0.47 CFS	90.6 AF
TOTAL:		2.80 CFS	540.8 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

Right No. 31-02258G & A31-10392A :
Right No. 31-02258H & A31-10392B :

NWNW , Sec. 1, Township 07N, Range 3
SENW , Sec. 31, Township 08N, Range 3
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
Right No. 31-02258G & A31-10392A :						
07N	33E	1	NENW 32.1	NWNW 32.2	SWNW 32.2	128.6
			SENW 32.1			128.6
Total number of acres irrigated:						*** 128.6

TRANSFER NO. 5199
WATER RIGHT NO(S). 31-02258G/A31-10392A & 31-02258H/A31-10392B

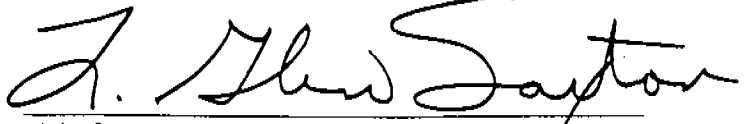
PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
Right No. 31-02258H & A31-10392B :						
08N	33E	36	SWNE 6.4	SENE 12.5	NESE 4.0	25.9
			NWSE 3.0			
Total number of acres irrigated: ****						25.9

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Approval of Transfer 5199 does not confirm SRBA Claim No. A31-10392.
- * 8. Right A31-10392A when combined with Right 31-02258G shall not exceed a total diversion rate of 2.33 cfs.
- ** 9. Right A31-10392B when combined with Right 31-02258H shall not exceed a total diversion rate of 0.47 cfs.
- *** 10. Right 31-02258G is limited to the irrigation of 116.5 acres in the place of use described above in a single irrigation season.
- *** 11. Right A31-10392A is limited to the irrigation of 12.1 acres in the place of use described above in a single irrigation season.
- **** 12. Right 31-02258H is limited to the irrigation of 23.5 acres in the place of use described above in a single irrigation season.
- **** 11. Right A31-10392B is limited to the irrigation of 2.4 acres in the place of use described above in a single irrigation season.

Dated this 16th day ofJune, 1998


Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 20, 2001

DOUGLAS M FRANSEN
856 E 2400 N
PO BOX 8
MONTEVIEW ID 83435

RE: CHANGE IN OWNERSHIP FOR A31-02246, A31-02258G, A31-02258H, A31-02281, A31-10392A, A31-10392B, A31-11284

Dear Mr. Fransen:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

The address on all other requested water right numbers has also been changed.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

DELOG-
DC
2/13/01
DE

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>see attached</u>					

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

A. ~~The appropriate FILING FEE. See instructions for fee amounts.~~

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s)

Doug/25 M. & Janice C. Fransen

4. New Owner/Claimant(s)

Doug/25 M. Fransen

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

856 E. 2400 N. PO Box 8

City, State and ZIP Code

Montevideo Id. 83435

New Telephone Number

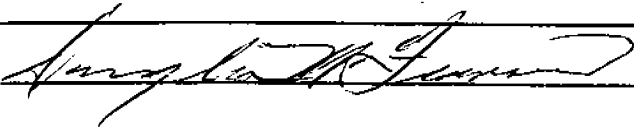
(208) 657-2239

5. Date you acquired the property

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

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

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

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

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Contact
ID#
253100

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): All of my water rights

[] Old Mailing Address: ~~Doug Franzen~~ Doug/25 M. Franzen
856 E. 2400 N. PO Box 8/14
Montevideo IL 63435

[] New Mailing Address: ~~Doug Franzen~~ Doug/25 M. Franzen
PO Box 8 856 E. 2400 N.
Montevideo IL 63435

[] Telephone Number: 208-651-2239

[] Signature of Claimant: *Doug M. Franzen*

[] Date: 2/2/01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By: