

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

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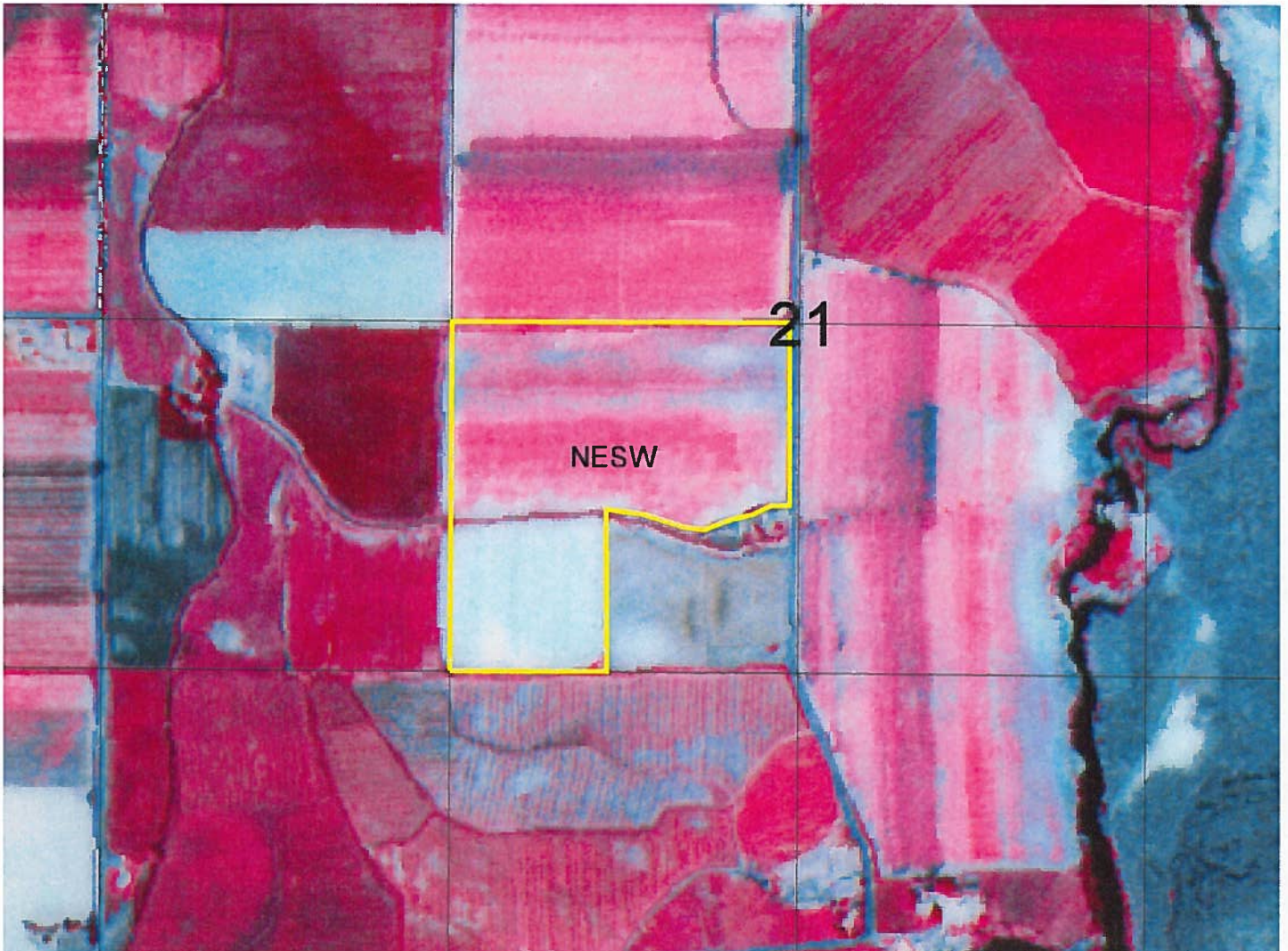
Q

37-675A

FRANCE INC
2050 E 1500 S
GOODING ID 83330

RECEIVED
APR 20 2
DEPARTMENT OF
WATER RESOURCES

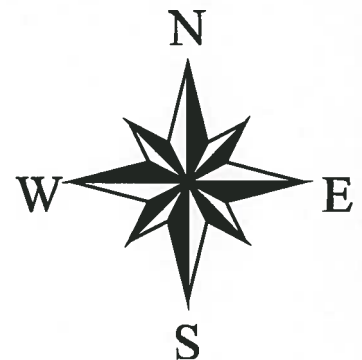
37-675A



900 0 900 1800 Feet

T05S R15E S21

Map prepared by: Carter Fritschle
Date prepared: 02/02/05
1987-1988 NAPP photography
Idaho Department of Water Resources



02/02/2005

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

RIGHT NUMBER: 37-675A

NAME AND ADDRESS: FRANCE INC
2050 E 1500 S
GOODING ID 83330

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 05/20/1897

POINT OF DIVERSION:

T05S R15E S15 NWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.800 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R15E S21 NESW 30.0

30 ACRES TOTAL

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.

EXPLANATORY MATERIAL: Decreed

Poor Man Canal Diversion No. 29 - Tag No. A0009725 Photo by Lee Peterson 4/1/2004



37-675A Summary

This right was claimed in NESW of Section 15 instead of where it was appurtenant (according to IDWR's records) in the SW 1/4 of Section 21. Since it does not appear that the water was actually used in the NESW of Section 15 prior to November 19, 1987, I recommended that an "accomplished transfer" of this right had not occurred. There is still an issue of ownership, since France, Inc. did not convey the land in the NESW of Section 15 to Big Sky Dairy.

On March 11, 2003 Robert Williams, the attorney for Big Sky Dairy was sent a copy of my notes outlining the problems with the claims submitted by France Inc. An amended claim has not been received as of February 2, 2005. Therefore, this right will be recommended in the name of France, Inc.

3-11-03

Notes on France, Inc to Big Sky Dairy Surface Water.

37-84B

France claimed all of this right (4.28 cfs) on 37 acres. However, in 1979 France sold 4.36 inches of this right to Billy Jack and Bonnie B. Runyan.

37-2433

Licensed for 0.272 cfs on 25 acres in T055, R15E, S21, SE1/4. Claimed 0.272 cfs on 164 acres. (Appears to include land sold to Runyan.)

Claims state other rights used on the same place of use are 13.6 inch perpetual right (37-2433), 37-84 and 37-675.

France also claimed 37-675A on 30 acres in T055, R15E, S15, NE1/4. However, the map shows the claimed POU as being in S21. Ownership of 37-675A is still in France, Inc. I have included a copy of 37-675A because I think it actually belongs to Big Sky Dairy.

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: A37-00675A
Date Received: 9/02/1988
Receipt No: S002227-*RA*
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: FRANCE, INC. 208-934-5382
Address: 2050 E. 1500 S.
GOODING, ID 83330

2. Date of Priority: MAY 20, 1897

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	15	NW	SW	SW		GOODING
10S	21E	28	SW	SW	NW		JEROME

5. Description of diverting works:
CHECK DAM, SUBM. ORIFICE AND CONTROL GATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/15	0.800		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	15	NE	SW		IRR	30.0
Section Acres							30.0

A37-00675A

Page 1

Date: 02/02/89

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10. Place of Use: Continued

Total Acres 30.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A37-00084B, 13.6" PERP. RT.

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A37-00-~~33~~675 A
Date Received 9-2-88
Receipt Number 5002227

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 2 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) FRANCE, INC. Phone (208) 934-5382

Mailing Address 2050 E., 1500 S., Gooding, Idaho Zip 83330

2. Date of Priority (Only one (1) per claim) State Water Right #37-0675 DATE: 5-20-1897

3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River

4. a. Location of existing point of diversion is: Township 10 S Range 21 E Section 28,
SW 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Jerome

Additional points of diversion if any: Poor Man Canal NW 1/4 of SW 1/4 of SW 1/4, Section 15, Township 5 So, Range 15 E from the Big Wood River

b. If instream flow, beginning point of claimed instream flow is:

Township ----- Range ----- Section -----, ----- 1/4 of ----- 1/4 of ----- 1/4,

Govt. Lot ----- B.M., County of -----

ending point is: Township ----- Range ----- Section -----, ----- 1/4 of ----- 1/4 of

----- 1/4, Govt. Lot ----- B.M., County of -----

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Check Dam, Submerged Orifice and

Control gate

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov 15 amount .80 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .80 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1/2 Acre Lawn

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>5S</u>	<u>15E</u>	<u>15</u>																	

Total number of acres irrigated 30

11. In which county (ies) are lands listed above as place of use located? Gooding County

12. Do you own the property listed above as place of use? Yes x No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

1) 13.6" Perpetual Right (orig decreed to J.L. Storey (check w/ Sheshone Watermaster) or None ()

2) State Water Right 37-0084

14. Remarks:

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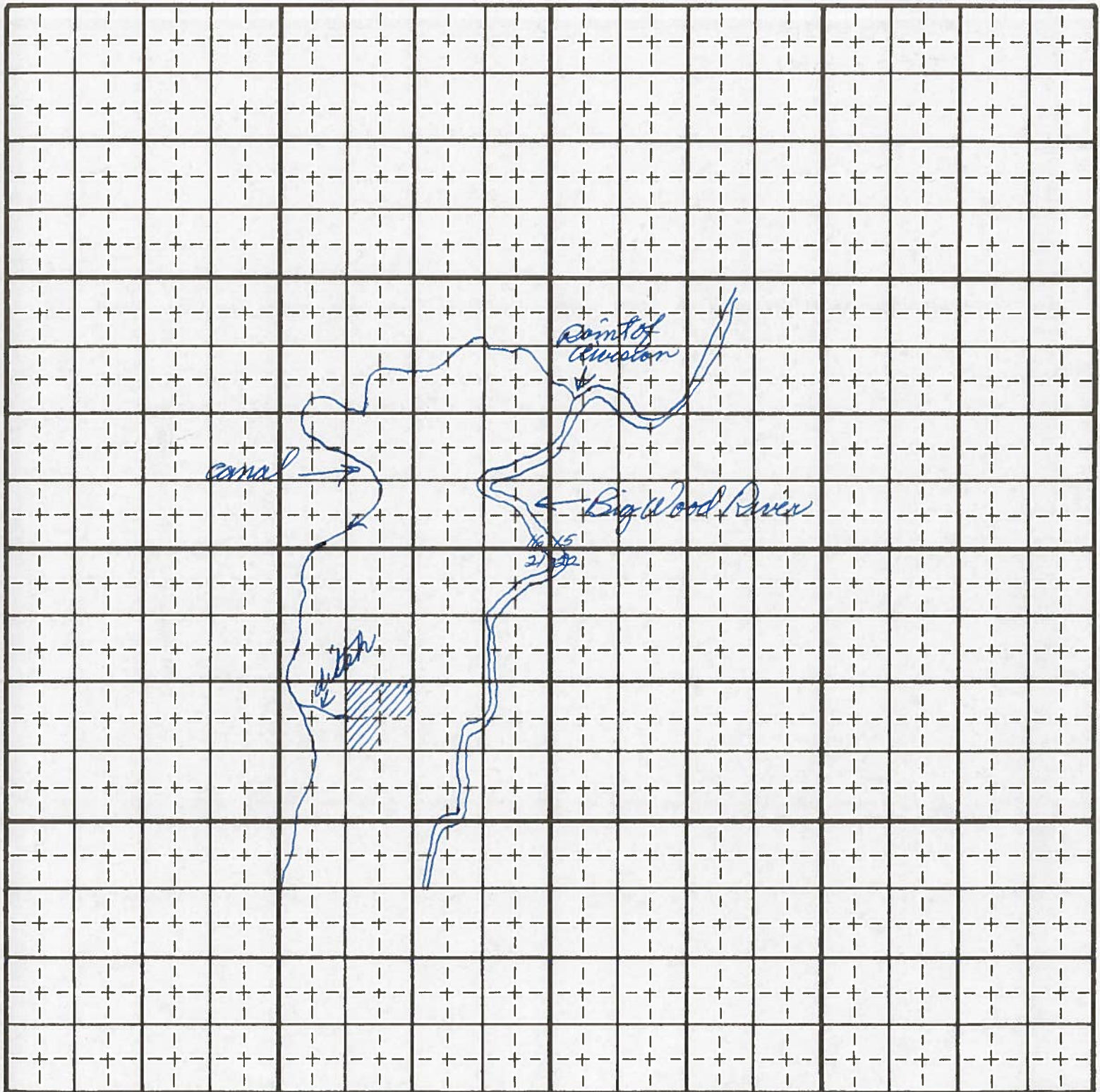
FEB 23 1993

Last Name FRANCE, INC. Ident No. _____

Copies: None - State, Yellow - Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name FRANCE, INC.

Ident No. _____

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FEB 23 1993
Copies: White-State, Yellow-Clayton

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree x

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ President _____

Title

of _____ FRANCE, INC. _____, that I have signed the foregoing

Organization

document in the space below as _____ President _____ of _____ FRANCE, INC. _____

Title

Organization

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

Signature of Authorized Agent Chris France

Title and Organization _____ President, France, Inc. _____

Date 9-1-88

State of Idaho/or _____)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 1st day of September 19 88

SEAL

Notary Public Henry A. Morrison

Residing at Gooding, Idaho 83330

My Commission Expires 5-1-93

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name FRANCE, INC. Ident. Number _____

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Copies: White - State, Yellow - Claimant
FEB 23 1993

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

675A

CLAIMANT'S NAME

France Inc.

CLAIM IDENT. NO.

A37-00 ~~000~~

DATE RECEIVED 9-2-88

CK # 1450

AMOUNT \$ 80.00

5002227

YES

NO

1. Is the name and address complete with zip code? ☒2. Is a priority date entered? ☒

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

Devel.

3. (a) Is a source entered? ☒(b) Is a tributary to entered? (if required) N/A ☒4. Is the legal description of the p.d. sufficient? ☒5. Is there a description of the diverting works? ☒6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒Is the period of use included? ☒Is a quantity claimed for each use? ☒7. Is a total quantity claimed entered? ☒8. If required is a consumptive use entered? N/A ☒Is the consumptive use correct? 90% ☒9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4. ☒

una.

10. Is (are) the place(s) of use entered? ☒11. Is (are) the county(ies) entered? ☒12. Is the ownership of p.u. checked? ☒13. Are other water rights listed or "none" checked? ☒14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒15. Is the basis of the claim checked? ☒16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒Has the claim been signed, sealed, and dated by a notary? ☒Is the fee enclosed correct? ☒If this claim is based on an existing water right, has the identification number been entered? N/A ☒Should this claim be receipted and data entered? ☒

Claim checked by:

RAA

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FEB 23 1993

Comments: