

1998 JUL -2 PM 2: 03

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
JUDICIAL DISTRICT OF THE

Case No. 39576

SUB CASE NO. 36-14035, 36-14035A,
36-14035B

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

- [X] Split of Water Right
- [X] Place of Use
- [X] Nature of Use

TO: Claimant/Purchaser(s):
Name and Address of Claimant/Purchaser(s):

Phone:

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 7-2, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
Lane Franco
211 W 400 N
Jerome ID 83338
3. One Copy to:
Each party in the subcase or attorney of record:
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

AJ5859NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JUN-19-1998

PAGE: A-1

RIGHT NUMBER: 36-14035

SPLIT RIGHT: SEE RIGHT NOS. 36-14035A AND 36-14035B.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JUN-19-1998
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-14035A

NAME & ADDRESS: LANE FRANCO
211 W 400 N
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 6.59 CFS

USE OF RIGHT NOS. 36-02586A AND 36-14035A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 9.69 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2174 AF.

PRIORITY DATE: 05/26/1976

POINT OF DIVERSION: T07S R17E S09 SENESE

Within JEROME County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04-01 10-31QUANTITY
6.59 CFS

PLACE OF USE:

IRRIGATION

Within JEROME County

T07S R17E S08
S09

NESE 36

NWSE 37

SESE 30

NESW 40

NWSW 40

SWSW 13

SESW 20

NESE 40

NWSE 40

SWSE 25

S10

NWNW 35

SWNW 40

SENW 35

NESW 35

NWSW 40

SWSW 37.5

543.5 ACRES TOTAL

USE OF RIGHT NOS. 36-02586A AND 36-14035A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 543.5 ACRES IN A SINGLE
IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT NO. 36-02586A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-07506 AND
36-07624.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JUN-19-1998
PAGE: A-2

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-14035B

NAME & ADDRESS: LANE FRANCO
211 W 400 N
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 0.42 CFS
131.0 AFY

USE OF RIGHT NOS. 36-02586B AND 36-14035B IS LIMITED TO A
TOTAL COMBINED DIVERSION VOLUME OF 85.1 AF FOR STOCKWATER AND
45.9 AF FOR COMMERCIAL USE AND A COMBINED TOTAL OF 131.0 AF.

PRIORITY DATE: 05/26/1976

POINT OF DIVERSION: T07S R17E S09 SESE Within JEROME County

TWO POINTS OF DIVERSION LOCATED IN T07S, R17E, S09, SESE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.42 CFS
	COMMERCIAL	01-01 12-31	85.1 AFY
			0.42 CFS
			45.9 AFY

PLACE OF USE:	STOCKWATER	Within JEROME County
	T07S R17E S09 S10	SESE SWSW
	COMMERCIAL	Within JEROME County
	T07S R17E S09	SESE

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4767
WATER RIGHT NO(S). 36-02586B & CLAIM NO(S) 36-14035B

This is to certify that: LANE FRANCO
211 W 400 N
JEROME ID 83338

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. 36-02586B :			
STOCKWATER	01/01 to 12/31	0.20 CFS	54.9 AF
COMMERCIAL	01/01 to 12/31	0.20 CFS	29.6 AF
Priority: 01/28/1964			
SUBTOTAL:		0.20 CFS	84.5 AF
Right No. 36-14035B :			
STOCKWATER	01/01 to 12/31	0.42 CFS	85.1 AF
COMMERCIAL	01/01 to 12/31	0.42 CFS	45.9 AF
Priority: 05/26/1976			
SUBTOTAL:		0.42 CFS	131.0 AF
TOTAL:		* 0.62 CFS	* 131.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 9, Township 07S, Range 17E
JEROME County

PLACE OF USE: STOCKWATER

TWN RGE SEC

07S 17E	9	SESE
	10	SWSW

PLACE OF USE: COMMERCIAL

TWN RGE SEC

07S 17E	9	SESE
---------	---	------

TRANSFER NO. 4767
WATER RIGHT NO(S). 36-02586B & CLAIM NO(S). 36-14035B

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Approval of this transfer in no way confirms the right(s) claimed.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. 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.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
7. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval of the department relative to the type of measuring device.
8. The remainder of Right No. 36-02586 is identified as 36-02586A and is limited to a diversion rate of 3.10 cfs and irrigation of 360.1 acres each year; the remainder of Right No. 36-14035 is identified as 36-14035A and is limited to the diversion rate of 6.59 cfs and irrigation of 543.5 acres each season. These rights when combined shall not exceed a total combined annual diversion volume of 2174 af nor the irrigation of 543.5 acres.
9. Prior to use of water for irrigation purposes under Right Nos. 36-02586A and 36-14035A, the right holder shall install a measuring device at each point of diversion to measure the amount of water diverted and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department of the type of measuring device to install.
10. The acres which are no longer authorized for irrigation under Right Nos. 36-02586A and 36-14035A are specifically described as follows: 33 acres in SESE, S09 and 1.5 acres in SWSW, S10, T07S, R17E.
11. Right Nos. 36-02586B and 36-14035B are limited to a total combined annual diversion volume of 85.1 af for stockwater and 45.9 af for commercial use and a combined total of 131.0 af.

TRANSFER NO. 4767
WATER RIGHT NO(S). 36-02586B & CLAIM NO(S). 36-14035B

CONDITIONS OF APPROVAL AND REMARKS

12. Two points of diversion are located within SESE, S09, T07S, R17E.

Dated this 21st day of may, 19 96

J. Glen Saylor
Chief, Water Alloc. Bureau

