

COPY

2000 JUN 23 PM 1:56

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

) SUBCASE NO. 36-14035A,
) 36-14035C, 36-14035D
)

Case No. 39576
)
)
)

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

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

☐ Change in Ownership

☒ Split of Water Right

☒ Point of Diversion

☒ Place of Use

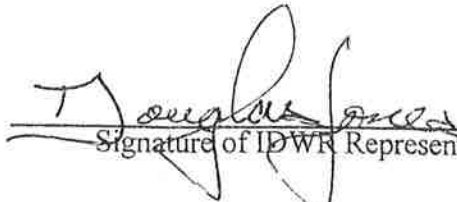
☒ Period of Use

☒ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

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.

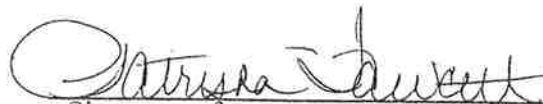
Dated: 6/22/00


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/23, 2000, 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/Seller for Substitution of Party or attorney of record:
Lane Franco
211 W 400 N
Jerome ID 83338
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. 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-21-2000
PAGE: A-5

RIGHT NUMBER: 36-14035A

SPLIT RIGHT: SEE RIGHT NUMBERS 36-14035C AND 36-14035D.

AJ5856NP

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

DATE: JUN-21-2000

PAGE: A-5

RIGHT NUMBER: 36-14035C

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

SOURCE: GROUNDWATER

QUANTITY: 6.45 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02586C IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 9.41 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2094.4 AF.

PRIORITY DATE: 05/26/1976

POINT OF DIVERSION: T07S R17E S09 SENESE Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03-15 11-15	6.45 CFS

PLACE OF USE:	IRRIGATION	Within JEROME County			
	T07S R17E S08	NESE 36	NWSE 37	SESE 30	
	S09	NESW 40	NWSW 40	SWSW 13	SESW 20
		NESE 20.1	NWSE 40	SWSE 25	
	S10	NWNW 35	SNNW 40	SENN 35	NESE 35
		NWSW 40	SWSW 37.5		
	523.6 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NO. 36-02586C IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 523.6 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
NORTH SIDE CANAL CO. LTD.

AJ5856NP

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

DATE: JUN-21-2000

PAGE: A-6

RIGHT NUMBER: 36-14035C (CONT)

EXPLANATORY MATERIAL: (CONT)

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

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

AJ5856NP

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

DATE: JUN-21-2000
PAGE: A-7

RIGHT NUMBER: 36-14035D
NAME & ADDRESS: LANE FRANCO
211 W 400 N
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 0.14 CFS
36.9 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.14 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 79.4 AF. COMBINED RIGHT
NOS.: 36-02586D, 36-14035D, 36-10894.

PRIORITY DATE: 05/26/1976

POINT OF DIVERSION: T07S R16E S34 NENE Within JEROME County

TWO POINTS OF DIVERSION LOCATED IN T07S, R16E, S34, NENE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	01-01 12-31	0.14 CFS 36.9 AFY

PLACE OF USE: COMMERCIAL Within JEROME County
T07S R16E S34 NENE

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: BASIS OF CLAIM - LICENSE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

June 23, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LANE FRANCO
211 W 400 N
JEROME ID 83338

RE: SRBA Claim(s) 36-14035A

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5128
WATER RIGHT NO(S). 36-02586D/36-14035D

RECEIVED

JUL 22 1999

Department of Water Resources
Southern Region

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. 36-02586D :			
STOCKWATER	01/01 to 12/31	0.14 CFS	34.7 AF
COMMERCIAL	01/01 to 12/31	0.14 CFS	7.8 AF
Priority: 01/28/1964			
SUBTOTAL:		0.14 CFS	42.5 AF
Right No. 36-14035D :			
COMMERCIAL	01/01 to 12/31	0.14 CFS	36.9 AF
Priority: 05/26/1976			
TOTAL:		* 0.14 CFS	* 79.4 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 34, Township 07S, Range 16E
JEROME County

PLACE OF USE: STOCKWATER

TWN RGE SEC

07S 16E 34 NENE

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.

AD-

TRANSFER NO. 5128
WATER RIGHT NO(S). 36-02586D/36-14035D

CONDITIONS OF APPROVAL AND REMARKS

3. 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.
4. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5128 shall not exceed 0.14 cfs, nor a total combined annual volume of 79.4 af.
9. Rights 36-02586D and 36-14035D when combined with Right 36-10894 shall not exceed a combined total diversion rate of 0.14 cfs, nor a total annual diversion volume of 79.4 af for use at the dairy.
10. Two points of diversion are located within NENE, S34, T07S, R16E.

Dated this 20th day of July, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 36-02586A & 36-14035A

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5128 *CS*

DATE: July 20, 1999

Transfer 5128 changes and adds a second point of diversion, changes the place, nature and season of use under a portion of Right 36-02586A and 36-14035A, splitting each right into Parts C and D. The applicant is changing 19.9 acres of irrigation to stockwater and commercial use to provide water for expansion of an existing dairy. The total rate of diversion was reduced by the applicant to reflect system capacity.

Two existing wells will be associated with this dairy, although no evidence of drilling permits for these uses was found in the database. No new wells will be drilled. The application was prepared when diversion volume was the standard and has been processed using the same. Recommended conditions include drilling permit requirements, no new wells, water quality requirements, county zoning, multiple points of diversion/measuring devices combined right limits and standard transfer conditions.

Change in Nature of Use Evaluation

<u>Right</u>	<u>Rate</u>	<u>Use</u>	<u>P/U</u>	<u>PP/U</u>	<u>Div. Vol.</u>
36-02586A	3.10 cfs	IRR	360.1 acres/543.5 acres		940.8 afa
36-14035A	6.59 "	"	543.5 " /543.5 "		(2174.0 ")
	9.69 cfs	IRR	543.5 acres/543.5 acres		2174.0 afa
36-02586C	2.96 cfs	IRR	340.2 acres/523.6 acres		898.3 afa
36-14035C	6.45 "	"	523.6 " /523.6 "		(2094.4 ")
	9.41 cfs	IRR	523.6 acres/523.6 acres		2094.4 afa
36-02586D	0.14 cfs	STOCK	(19.9 acres)		34.7 afa
	0.14 "	COMMER	" "		7.8 "
36-14035D	0.14 "	COMMER	" "		36.9 "
	0.14 cfs	IRR	(19.9 acres)		79.4 afa

After Transfer Total: 9.55 cfs IRR/DAIRY 523.6 acres/523.6 acres 2173.8 afa