

RECEIVED

MAR 08 2022

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

47-17756

1. Name of applicant(s) Lane Franco Phone 208-280-0722
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 3186 N 3100 E City Twin Falls
 State Idaho ZIP 83301 Email lane franco1@yahoo.com
2. Name of representative, if any Bob Ohlensehlen Phone 208-539-1279
 Mailing address 603 Woodland Dr City Twin Falls
 State Idaho ZIP 83301 Email bob.ohlens@gmail.com
- 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 Groundwater 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 #
11S	17E	14		SW	SE		Twin Falls	Groundwater	

5. Water will be used for the following purposes:

- Amount .04 cfs for in house use culinary only purposes from Jan 1 to Dec 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)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) .04 cfs cubic feet per second (cfs) and/or (b) 11.2 af acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. NA
- 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 6" inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? NO; drilling firm NA;
 well was drilled for (well owner) NA; Drilling Permit No. NA

For Department Use

Received by SG Date 3/8/22 Time _____ Preliminary check by _____
 Fee \$ 8100.00 Received by SG Receipt No. 5039115 Date 3/8/22

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

- Hydropower; show total feet of head and proposed capacity in kW. NA
- Stockwatering; list number and kind of livestock. NA
- Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- Domestic; show number of households 4 households
- Other; describe fully. NA

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.

* PER 3/9/2022 E-MAIL FROM BOB OHLENSEHAW

AS.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	17E	14												D			D		

Total number of acres to be irrigated: 0

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? Dry landscaping will be used, no water will be used except that which will be used within the house only for culinary purposes.

- Who owns the property at the point of diversion? Lane Franco - the applicant
- Who owns the land to be irrigated or place of use? Lane Franco - the applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. The applicant is planning to provide housing for his employees by placing 4 single wide mobile homes (3 bedroom homes) on the property. He intends to drill a single well that will be used to provide water to all four of the homes for culinary in house water use. The exterior of the homes will be landscaped with landscaping that does not require irrigation. Septic systems will be located > 100' from the well serving as the POD.

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

LANE FRANCO
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)



47-17756

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 126535

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	155.96
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	155.96
Fax			
Section	Legals	Start/End Dates	04/21/2022 - 04/28/2022
SubSection		Insertions	2
Category	50 Legal	Size	101
Ad Key	126535-1	Salesperson(s)	Legal Notices
Keywords	ApPP/PERMITS 47-17755 4717756	Taken By	Seana Chapman
Notes			

Ad Proof

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

47-17755

JAMES WILCOX

MICHELE WILCOX

4819 SALMON CREEK DR

BUHL, ID 83316-5151

Point of Diversion SESE S30 T08S R14E TWIN FALLS County Source

SALMON FALLS CREEK Tributary SNAKE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 03-11-2022

Place Of Use: DOMESTIC

T08S R14E S30 SESE

Application for permit proposes diversion of up to 0.04 cfs for year-round domestic use from Salmon Falls Creek. The proposed point of diversion and place of use are located approximately 6.8 miles north and 4.8 miles west of Buhl. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

47-17756

LANE M FRANCO

3186 N 3100 E

TWIN FALLS, ID 83301-0538

Point of Diversion SWSE S14 T11S R17E TWIN FALLS County Source

GROUND WATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 03-08-2022

Place Of Use: DOMESTIC

T11S R17E S14 SWSE

Application proposes year-round diversion of 0.04 CFS from a new well to be drilled for domestic in-house use for four homes. The proposed place of use is approximately 7.0 miles south and 2.6 miles east from the intersection of Washington St. and Addison Ave. in Twin Falls. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see <https://research.idwr.idaho.gov>. 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, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 9, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on April 21st & 28th, 2022

Proof of legal notice received
from Times News 4/14/2022

✓ *DM*



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 14, 2022

LANE M FRANCO
3186 N 3100 E
TWIN FALLS, ID 83301-0538

RE: Application for Permit No. 47-17756

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 **TIMES NEWS on 4/21/2022 and 4/28/2022**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **May 9, 2022**.

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,

Denise Maline
Administrative Assistant

c: Bob Ohlensehlen, O & H Associates LLC

Maline, Denise

From: Maline, Denise
Sent: Thursday, April 14, 2022 11:06 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find **(1)** legal notice being submitted for publication on April 21st & 28th, 2022. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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Governor Brad Little

Director Gary Spackman

April 14, 2022

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 47-17755, 47-17756

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 May 9, 2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

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

47-17755

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MICHELE WILCOX
4819 SALMON CREEK DR
BUHL, ID 83316-5151

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SNAKE RIVER

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Total Diversion: 0.04 CFS

Date Filed: 03-11-2022

Place Of Use: DOMESTIC

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47-17756

LANE M FRANCO
3186 N 3100 E
TWIN FALLS, ID 83301-0538

Point of Diversion SWSE S14 T11S R17E TWIN FALLS County Source GROUND WATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 03-08-2022

Place Of Use: DOMESTIC

T11S R17E S14 SWSE

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GARY SPACKMAN, Director

Published on April 21st & 28th, 2022



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Governor Brad Little

Director Gary Spackman

March 18, 2022

LANE M FRANCO
3186 N 3100 E
TWIN FALLS ID 83301-0538

RE: Application for Permit to Appropriate Trust Water – No. 47-17756

Dear Applicant:

The Department of Water Resources ("Department") has received your application for permit to appropriate water and has accepted it for filing. Your application has been assigned the identification number referenced in the subject line of this letter. Please refer to that number in all future correspondence regarding this application.

Your application proposes to appropriate Trust Water as described in this letter. The special nature of the trust affects how the Department will process your application as well as some aspects of the water right that may result. The purpose of this letter is to inform you of three items specific to applications proposing to appropriate Trust Water:

1. Your application will be subject to additional evaluation compared to applications that do not propose the use of Trust Water. This may require you to submit additional information and to demonstrate that your application meets the statutory evaluation criteria for appropriating Trust Water.
2. If a water right is issued to you, it could be subject to curtailment to satisfy senior minimum stream flow water rights on the Snake River at the Murphy Gage.
3. If a water right is issued to you, it will be subject to a periodic term review that may impact the future use of the right.

To understand better these three items and why they apply to your application, it helps to understand what Trust Water is and how it came about.

Trust Water arose from the 1984 Swan Falls Settlement between Idaho Power Company ("IPC") and the State of Idaho ("State").¹ Prior to the Swan Falls Settlement, the Idaho Supreme Court determined IPC held water rights for use at Swan Falls Dam that exceeded the entire flow of the Snake River at times. This limited future upstream development of water resources in the Snake River Basin. The Swan Falls Settlement resulted in changes to Idaho Law² and to IPC's water rights. As a result of the Swan Falls Settlement and subsequent legislation and court decrees, IPC's hydropower water rights in excess of the minimum flows at Murphy Gage are held in trust by the State. This change allows future development using water that would have previously

¹ For more information, including a more complete description of the Swan Falls Settlement and resulting legislation, please see the Department's web page: <https://idwr.idaho.gov/legal-actions/settlements/swan-falls/>.

² Although several sections of the Idaho Code were affected, the addition of Sections 42-203B and 42-203C, Idaho Code are the changes most relevant to this discussion.

been delivered to satisfy IPC water rights at Swan Falls Dam and, therefore, would have been unavailable for upstream appropriation. The purpose of this trust is defined in Idaho Code § 42-203B as follows:

The purposes of the trust established by ... this section are to assure an adequate supply of water for all future beneficial uses and to clarify and protect the right of a user of water for power purposes ... to continue using the water pending approval of depletionary future beneficial uses.

Your application proposes a use of water that could deplete the rights placed in trust, so the State, through the Department must evaluate your proposal under the laws and rules that came after the Swan Falls Settlement.³ In addition to the usual statutory process and evaluation criteria, the Department must also evaluate whether your application will deplete Trust Water and, if so, whether your depletion of Trust Water is in the public interest.

In addition, the availability of Trust Water and the public's interest in the use of Trust Water could change over time. The Department will periodically review rights to use Trust Water to determine if Trust Water remains available for use and if the continued use of Trust Water is in the public interest. The periodic review will occur for any right that issues from your application. A future review by the Department could terminate or limit your ability to use the right in the future.

An important aspect of the Swan Falls Settlement is that the State agreed to protect the minimum stream flows in the Snake River at the Murphy Gage. Should the flows at the Murphy Gage fall below these minimums, the water rights that use Trust Water could be curtailed to restore flow to meet those minimums.

The Department will hold your application for 14 days to allow you time to contact us if you have further questions on this topic or if you choose to withdraw your application. If the Department does not hear from you within 14 days, the Department will process your application and prepare it for publication. If you choose to withdraw your application before it is submitted for publication, you will receive a full refund of your filing fee. Refunds are not available if an application is withdrawn after advertising.

Please contact this office if you have questions regarding this matter.

Sincerely,



Tyler Wallace

Enclosure: Withdrawal of Application form

³ See Sections 42-203C and the Department's Water Appropriation Rules (IDAPA 37.03.08).

Skinner, Corey

From: Robert Ohlensehlen <bob.ohlens@gmail.com>
Sent: Wednesday, March 9, 2022 5:35 PM
To: Skinner, Corey
Subject: Re: Aerial Map for Skinner Application

Corey

Yes as long as the home on the east side did not cross the line to the next quarter section to the east.

Bob

On Wed, Mar 9, 2022, 3:30 PM Skinner, Corey <Corey.Skinner@idwr.idaho.gov> wrote:

Bob,

Thanks for submitting the map. Looking over the application you submitted, the point of diversion location (question # 4) identifies the SWSE of Section 14, the place of use location (question # 9) identifies the SESW of Section 14. The map indicates that the point of diversion and place of use are to be located in the SWSE of Section 14. I assume the place of use location (question # 9) should describe the SWSE of Section 14.

Is that correct?

Corey

From: Robert Ohlensehlen <bob.ohlens@gmail.com>
Sent: Wednesday, March 9, 2022 12:27 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: Fwd: Aerial Map for Skinner Application

----- Forwarded message -----

From: Robert Ohlensehlen <bob.ohlens@gmail.com>
Date: Wed, Mar 9, 2022, 8:51 AM
Subject: Aerial Map for Skinner Application
To: <corey.skinner@idwr.idaho.gov>

Corey

Attached is the map for the Franco Application. It shows the homes, septic, highway setbacks and property line.

Thanks

Bob

Bob Ohlensehlen

O & H Associates

603 Woodland Drive

Twin Falls, ID 83301

208-539-1279

bob.ohlens@gmail.com