

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-07270

RECEIVED

DEC 26 2001

Department of Water Resources
Southern Region

Date of Priority: January 06, 2000

Maximum Diversion Rate: 1.02 CFS

Maximum Diversion Volume: 400.0 AF

Comes now FRANK D WELLS
926 GRAYS CREEK RD
INDIAN VALLEY ID 83632

And

ROBIN D WELLS

3219 E 3600 N

KIMBERLY ID 83341

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 47-07270, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.02 CFS	400.0 AF

LOCATION OF POINT OF DIVERSION:


GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, Twp 10S, Rge 13E, B.M., TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 13E 12												15.0			23.0	38.0	
10S 13E 13			20.0	8.0	24.0			10.0								62.0	

Total Acres: 100

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 26th day of December, 2001.



(Signature)

47-7270

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-07270

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$ 50, Received by JS # 5024999 Date 12-26-01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 47-07270 with the following:

CONDITIONS OF APPROVAL

1. Some of the water use authorized by this right is claimed with an earlier priority date on Snake River Basin Adjudication Claim No. 47-12016. In the event that Claim 47-12016 is decreed as it is claimed, the Director may amend or revoke this right to eliminate any redundancy of water rights.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this _____ day of _____, 2001.

KARL J. DREHER
Director

Southern

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-07270

RECEIVED
DEC 28 2001
Department of Water Resources
Southern Region

Priority: January 06, 2000

Maximum Diversion Rate: 1.02 CFS
Maximum Diversion Volume: 400.0 AF

It is hereby certified that FRANK D WELLS
926 GRAYS CREEK RD
INDIAN VALLEY ID 83632
And
ROBIN D WELLS
3219 E 3600 N
KIMBERLY ID 83341 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 12, 1974; and have
submitted Proof of Beneficial Use on January 06, 2000. An examination indicates that the works have a
diversion capacity of 1.02 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	1.02 CFS	400.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, Twp 10S, Rge 13E, B.M., TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 13E 12												15.0			23.0		38.0
10S 13E 13			20.0	8.0			24.0				10.0						62.0

Total Acres: 100

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 24TH day of DECEMBER, 2001.

Acting for 
KARL J. DREHER
Director

47-7270



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Jonathan L. Wells
3788 N 800 E
Buhl, ID 83316

RECEIVED
JAN 18 2000
Department of Water Resources
Southern Region

RE: **LAPSED PERMIT NO. 47-07270**

Dear Mr. Wells:

I have reviewed the proof affidavit and supporting information which you submitted to the department on January 6, 2000 seeking to have the above referenced permit reinstated.

The supporting information you have provided shows that in 1975, about 33 acres were irrigated, that in 1976, another 34 acres were irrigated and that in 1981, 15 additional acres were irrigated. You state that the property was last irrigated in 1985 although the well was again used in 1992 to irrigate land which apparently was not the place of use authorized under the lapsed permit.

Section 42-222(2), Idaho Code provides that "All rights to the use of water acquired under this chapter or otherwise shall be forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated.

If my interpretation described above of the information you have provided is correct, the department can not reinstate the permit, since whatever right may have been developed during the authorized development period has been forfeited by more than 5 consecutive years of non-use. If my interpretation of the facts in this matter is not correct, please provide supporting documentation for further consideration.

If you have questions, please feel free to contact me.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

✓ c: IDWR - Regional Office

47-07270