

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/19/2020

Water Application 47-7523

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAROLE FRANSEN , ZZ
Current Owner	WAYNE FRANSEN , ZZ

Status: Denied

<u>Source</u>	<u>Tributary</u>
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<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Application Denied Date: 8/2/1983
Number of Protests: 0
Water District Number: TBD
Application Type: New Appropriation
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

AUG 10 1983

Department of Water Resources
Southern District Office

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF)
APPLICATION FOR PERMIT NO. 47-7523 IN THE NAME)
OF WAYNE AND/OR CAROLE FRANDSEN)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on June 30, 1983, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED That said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 2nd day of August, 1983.



A. KENNETH DUNN

Director

47-7523

STATE OF IDAHO

THE NAME OF WAYNE AND/OR CAROLE FRANDSEN

AND ORDER

At the conference, the parties agreed to allow the Department to reach a decision in the matter based upon information obtained at the conference and

information to be gathered by the Department in a field study of the stream and area affected by the application.

The applicant stated that during some portions of the year the water from the proposed source did not reach the stream from which the protestants divert their water.

The protestants are presently irrigating sixty acres and claimed they are limited to that number of acres because of the lack of water to irrigate any additional land. They stated that they own 80 acres that could be irrigated if there was sufficient water.

On June 10, 1980, the Department installed a 2-foot Cipolletti weir in the stream at a point just upstream from the protestants' upstream diversion in the NW1/4NE1/4, Sec. 21, Twp. 9S, Rge. 14E. A Stevens Type F water stage recorder was installed in a stilling well in the weir pond.

Water stage records were collected during the 136-day period between June 10 and October 23, 1980. The records were not continuous but 90 days of records out of the 136 days were obtained.

The flows observed were relatively stable and, therefore, the flows during periods of non-record were estimated by averaging flows observed at the beginning and end of the unrecorded periods.

Based upon the information obtained at the conference, the records gathered in the field and his understanding of the law, the Hearing Officer proposes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1) The protestants have filed a water right claim No. 47-4101 with the Department of Water Resources. The claim evidences a right to the use of 1.60 cubic feet per second of water with a priority of March 15, 1936 for the irrigation of 80 acres of land in the W1/2SE1/4, Sec. 16, Twp. 9S, Rge. 14E. The claim shows diversion points in the NW1/4NE1/4, Sec. 21, and the SW1/4SE1/4, Sec. 16, Twp. 9S, Rge. 14E located on the same unnamed stream as is proposed to be diverted by the applicants. Both diversion points are downstream from the points of diversion proposed by the applicants.

2) The protestant is presently irrigating 60 acres of land with the water from the unnamed stream. During most of the irrigation season the entire flow of the unnamed stream is diverted and beneficially used by the protestant.

3) The seep stream contributes water to the unnamed stream and is considered tributary to it.

4) Records collected by the Department during June through October 1980, show that the average daily flow of the stream exceeded 1.60 cubic feet per second at a point just upstream from the Couch diversions only on October 21, 22, and 23, 1980. Those same records show that the flow of the stream was less than 1.20 cfs on all but 6 days during the months of June and July. It is generally accepted that 1.20 cfs is the rate of diversion necessary to irrigate 60 acres of land.

CONCLUSIONS OF LAW

1) There is insufficient water available in the stream for the appropriation requested by the applicants.

2) The seep stream is a tributary of the unnamed stream and, therefore, subject to the water rights of the protestants.

ORDER

IT IS, THEREFORE, HEREBY ORDERED That Application for Permit No. 47-7523 be and is DENIED.

Dated this 29 day of June, 1983.



BOBBY D. FLEENOR

Hearing Officer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

DENIED

To appropriate the public waters of the State of Idaho

APR 28 1972

1. Name of applicant Wayne &/or Carole Frandsen Phone 732-5470

Post office address P.O. Box 261 - Buhl, Idaho 83316

2. Source of water supply seep stream which is a tributary of Unnamed Stream

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21 Township 9S

Range 14E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.10 for irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 for livestock purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.12 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

pump and pipe

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21 Township 9S

Range 14E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered various livestock raised for private consumption

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 5

c. Describe any other water rights used for the same purposes as described above. _____

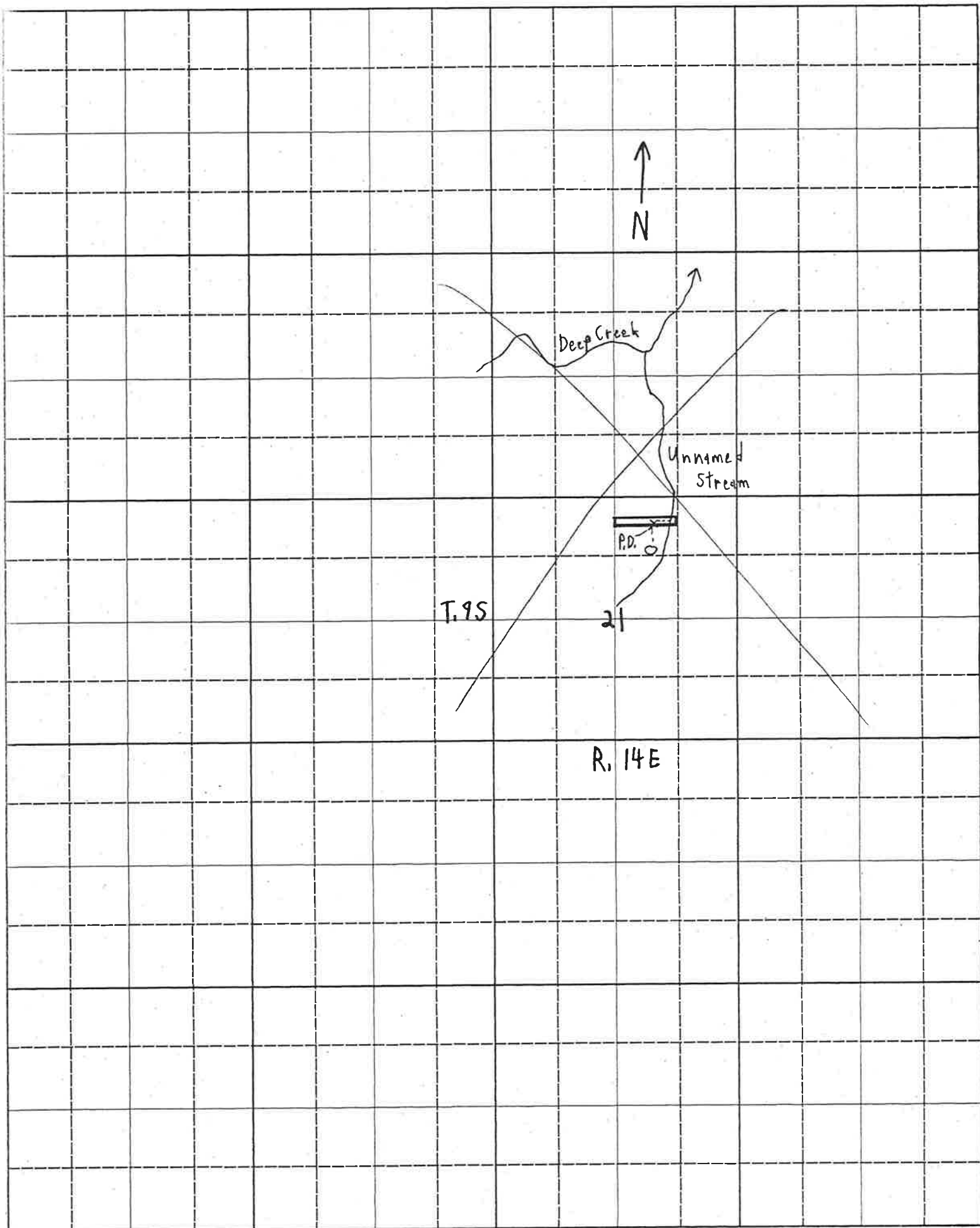
9. a. Who owns the property at the point of diversion Applicants

b. Who owns the land to be irrigated or place of use Applicants

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Wayne Francher
(Applicant)

Received by JA Date 4-26-79 Time noon
Preliminary check by TB Fee \$ 20.⁰⁰ # 12771
Receipted by marja Date 4/26/79
Publication prepared by marja Date 5/13/79
Published in Times news
Publication dates 5/17 + 5/24/79
Publication approved marja Date 5/16/79
Protests filed by: ray & daris couch

Copies of protests forwarded by M.H.
Hearing held by B.F. & L.H. Date 4/4/80
Recommended for approval (denial) by L.H.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7523, and said application is hereby DENIED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

PURSUANT TO MEMORANDUM DECISION AND ORDER.

Witness my hand this 2nd day of August, 19 83.


Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Wayne &/or Carole Frandsen Phone 782-5470
Post office address P.O. Box 261 - Buhl, Idaho 83316
2. Source of water supply seep stream which is a tributary of Unnamed Stream
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21 Township 9S
Range 14E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.10 for irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for livestock purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.12 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____
pump and pipe

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21 Township 9S
Range 14E B.M.
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.
(3) List number of each kind of livestock to be watered various livestock raised for private consumption
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

47-7523

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 5

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion Applicants

b. Who owns the land to be irrigated or place of use Applicants

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks _____

47-7523

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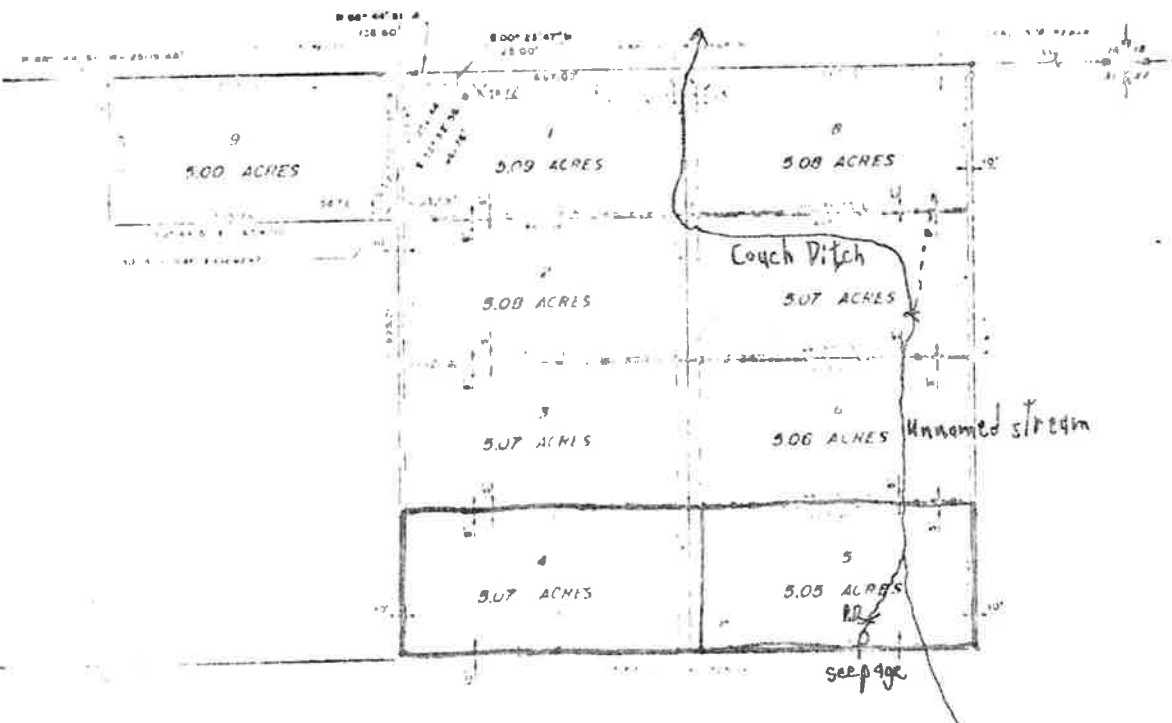
TION & BREAKDOWN
 1. 4.1 100% 500

INTY RECORD

Instrument N 145-13749
STATE OF
COUNTY OF (IN FALLS) 28

This is to certify that this instrument
the Re. of Twin Falls County, Idaho,
at Idaho and duly recorded.

Depu',



CERTIFICATE

to certify that I, _____
do make the sum of \$ _____
_____ and so
by us mine and so and so

Received by JA Date 4-26-79 Time noon
Preliminary check by TB Fee \$ 50.⁰⁰ # 12771
Receipted by merpe Date 4/26/79
Publication prepared by merpe Date 5/3/79
Published in Times news
Publication dates 5/17 + 5/24/79
Publication approved merpe Date 5/16/79
Protests filed by: my + daris couch

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

Witness my hand this _____ day of _____, 19 ____.

Director