

10/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-5239

NAME AND ADDRESS: FRANKLIN DITCH CO
C/O HELEN I LARSON
8500 JOPLIN RD
CALDWELL ID 83605

SOURCE: BACK SLOUGH

TRIBUTARY: BOISE RIVER

QUANTITY: 9.800 CFS

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:

T04N R02W S15 SESW Within CANYON County

T04N R02W S16 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	9.800 CFS
The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE:

2056 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right when combined with Right Nos. 63-166B and 63-167B can be used to irrigate up to 2056 acres within the boundary of the Franklin Ditch Company.

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 - Statutory Claim

08/17/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 29, 2006

Water right number: 63-5239

FRANKLIN DITCH CO
C/O FLOYD ROSDAHL
RT 3 BOX 111
CALDWELL ID 83605

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 9-27-06 SIGNATURE: Helen I. Larson
Please print your name: Helen I. Larson

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

08/17/2006

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Idaho Department of Water Resources

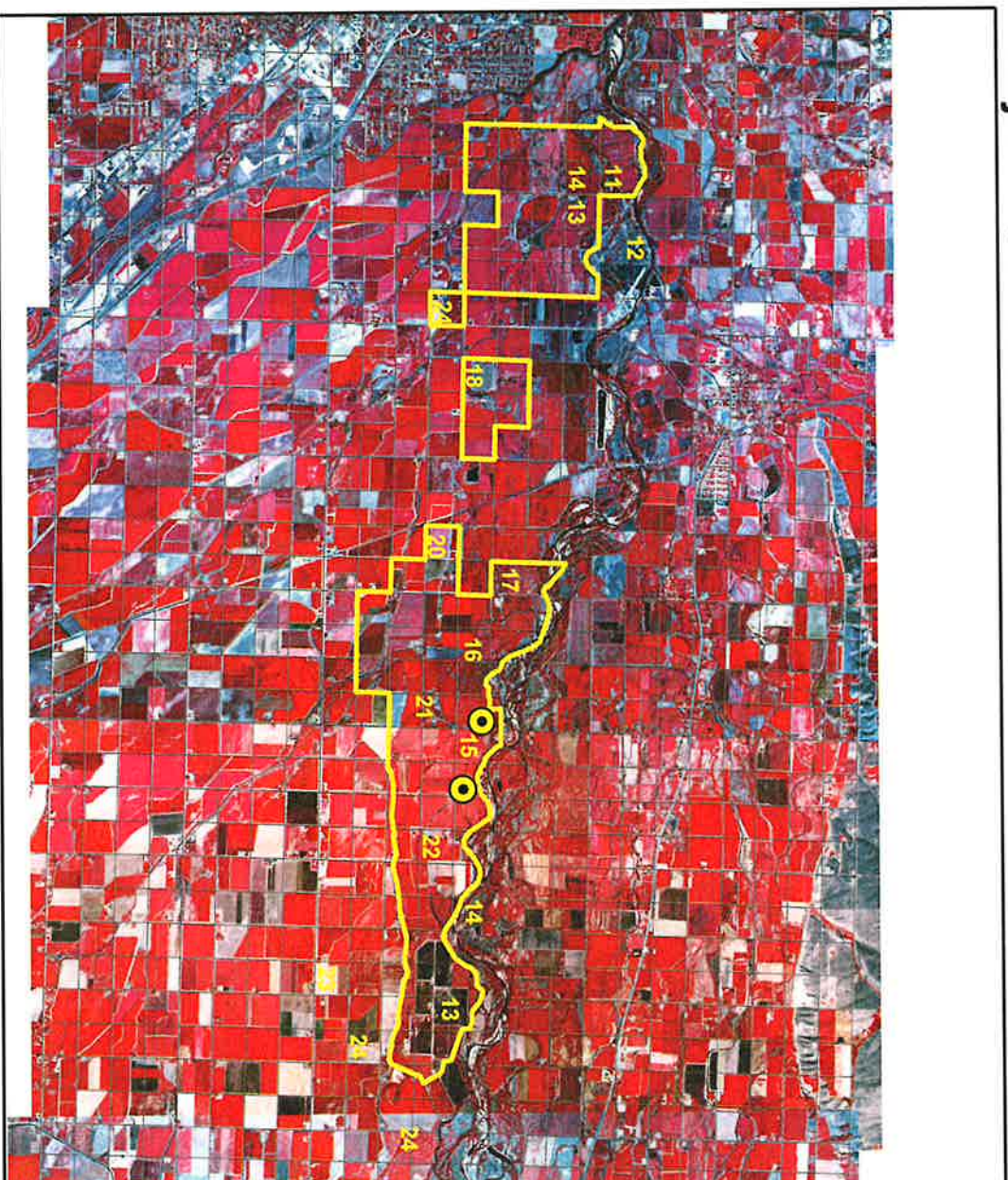
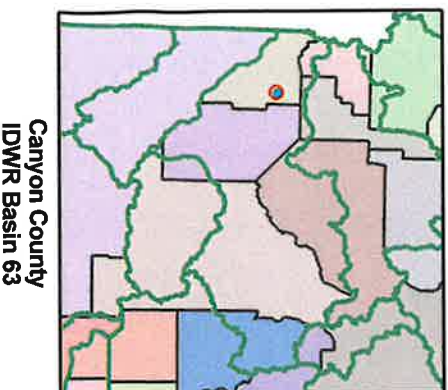


**T4N, R2W
T4N, R3W**

Adjudication Claim Number: **63-5239**

Legend

- POD Recommended
- Franklin Ditch Co



Prepared by A. Warrtjes
On Tuesday, January 31, 2006
1987/88 Aerial Photography



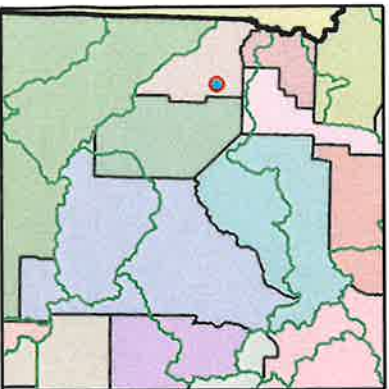
Franklin Ditch Co

SRBA Recommendations: 63-166B, 63-167B, 63-5239

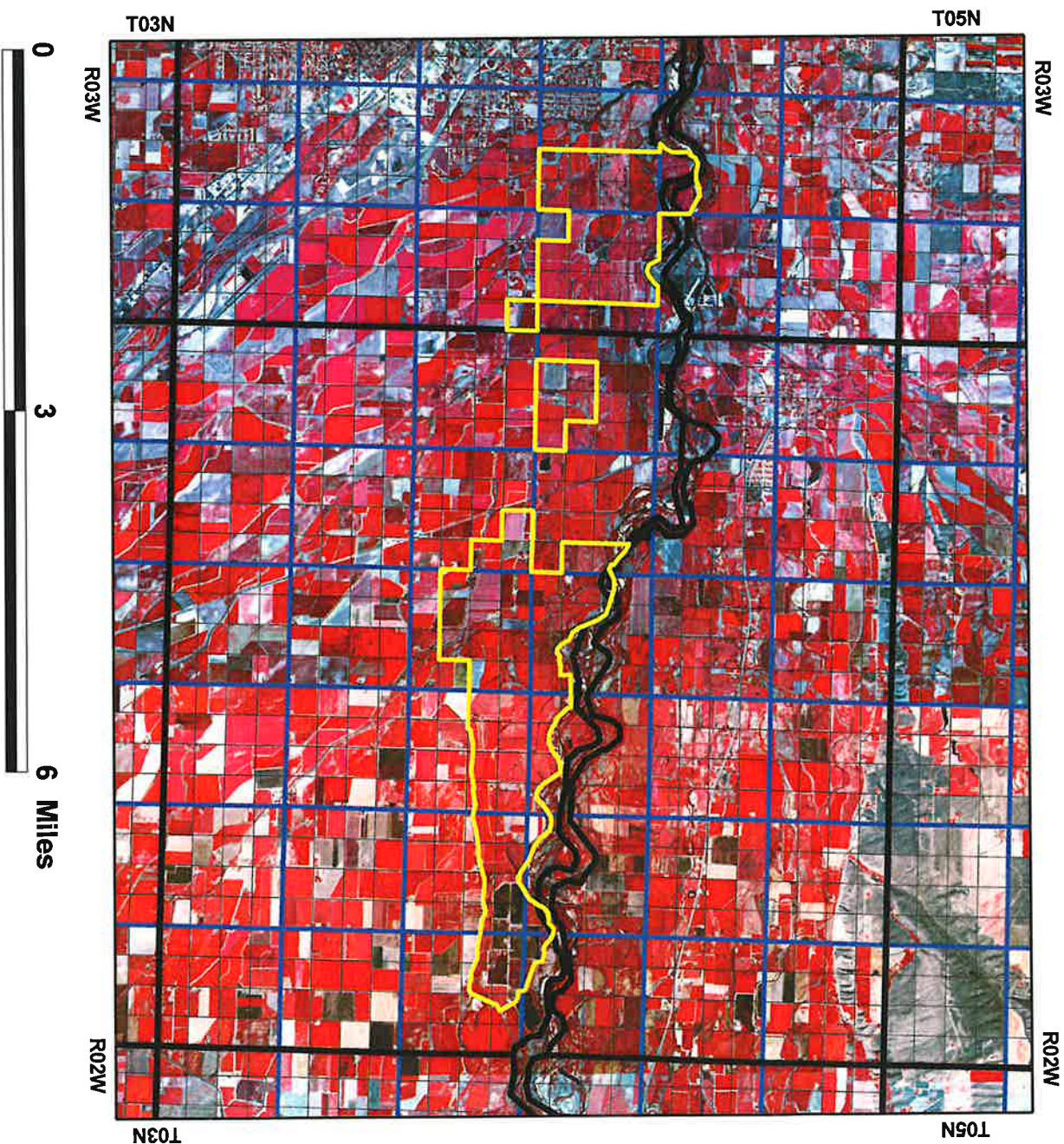
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



Prepared by A. Warnijes
On Friday, September 8, 2006
1987/88 Aerial Photography

COMMUNICATION MEMORADUM

IDWR Employee: Danielle Favreau

Date: 1-4-06

Claim No(s): 63-5239, 63-166B, 63-167B

Contact: Helen Larsen, Franklin Ditch Co.

Details: Helen Larsen from Franklin Ditch Co. called to give an estimate of the flow rate of the Back Slough. She estimates that the flow is $\frac{2}{3}$ to $\frac{3}{4}$ of the Highline Canal. (I believe that the canal she is referring to is the canal that delivers 63-166 and 63-167 to Franklin D.C.) Helen mentioned that Pioneer ID has nothing to do with the delivery of the Back Slough water as the source is Spring or Runoff.

8-26-05 Meeting Summary
Franklin Ditch Co.

Attendees:

Dave Tuthill, Danielle Favreau, and Helen Larsen

Reviewed Claims 63-166B, 63-167B, and 63-5239 for Franklin Ditch Co.

- 63-5239 – PODs verified by Helen. They are bridges with boards for diversion.
- 63-166B and 63-167B on first glance seem to be in good shape - 63-166B for 15.4 cfs (770 acres) and 63-167B for 27.6 cfs (1380 acres). One is for lands serviced by the Highline Canal, the other for the upstream (east) portion of the Back Slough.
- Helen had quarter quarter breakdown of claim Franklin Ditch Co. Went through break down to illustrate areas where over claimed based on imagery.
- Helen received 2 maps of boundary and irrigated acres and one map of the boundary only of the Franklin Ditch Co. Also, she has a map of what is on file for the boundary of the Mason Creek Ditch Co.

Actions:

- Helen will verify no. acres irrigated from Back Slough. Later in meeting, did find a map by section of number of acres. (Copy in file 63-5239.) Will need to compare to edited map information.
- Helen will provide affidavit to support 63-5239. The claimed priority date (4-1-1880) is before decree date. Will try to support 7-4-1866 date. The earliest date we can recommend is the day after the Stewart Decree, as this right was not included in the decree.
- Helen will speak to owner of property in West portion of district. There is overlap and co-mingling with Mason Creek D.C. water.
- Helen will review maps with landowners again to verify identified acres. Danielle will digitize any corrections as maps arrive.
- Maximum flow rate for the Back Slough and Highline Canal are needed. Helen will see if there is any information in the paperwork. If not, follow up may be necessary.
- Mason Creek Ditch Co. (63-179C) does not have an irrigated acres shape. Danielle will check with Eric. If no shape can be found, one will be created from quarter quarter listing provided by Helen.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-05239
Date Received: 2-20-90
Receipt No: C014809
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANKLIN DITCH CO. 208-466-1983
Address: C/O FLOYD ROSDAHL
RT. 3
CALDWELL, ID 83605

2. Date of Priority: APR 01, 1880

3. Source: BACK SLOUGH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02W	15	SE	SE	SW		CANYON
		16	NE	SE	SE		CANYON

5. Description of diverting works:
DIVERSION DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	9.800		

7. Total Quantity Appropriated is:
9.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 8813.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK WATER FROM DITCHES DURING THE IRRIGATION SEASON

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02W	13	SW	SW		IRR	40.0

A63-05239

Page 1

Date: 02/20/90

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AUG 21 1992

10. Place of Use: Continued

Township 04N	Range 02W	Section 13	1/4 of SE	1/4 SW	Lot	Use IRR	Acres 25.0
						Section Acres	65.0
		14	SW	SW		IRR	25.0
			SW	SE		IRR	20.0
			SE	SE		IRR	40.0
						Section Acres	85.0
		15	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	20.0
						Section Acres	140.0
		16	SW	NW		IRR	30.0
			SE	NW		IRR	10.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	20.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	320.0
		17	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
						Section Acres	80.0
		18	NE	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	200.0
		20	NE	NE		IRR	40.0
			NW	NE		IRR	40.0

No of acres irrigated from Beck Slough
to be provided by Helen Larsen.

Dec 8/26/05

Pods verified via map review by Helen Larsen

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02W	20	SE	NE		IRR	40.0
Section Acres							120.0
		21	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	25.0
			SE	NE		IRR	30.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			NW	SE		IRR	40.0
Section Acres							415.0
		22	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	35.0
			SE	NE		IRR	35.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	35.0
			SE	NW		IRR	40.0
Section Acres							305.0
		23	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	20.0
			SE	NE		IRR	20.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	30.0
			SE	NW		IRR	20.0
Section Acres							250.0
		24	NW	NE		IRR	20.0
			SW	NE		IRR	20.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02W	24	SE	NW		IRR	20.0
						Section Acres	160.0
	03W	11	SW	SE		IRR	18.0
			SE	SE		IRR	18.0
						Section Acres	36.0
		13	NW	NE		IRR	14.0
			SW	NE		IRR	14.0
			NE	NW		IRR	14.0
			NW	NW		IRR	14.0
			SW	NW		IRR	14.0
			SE	NW		IRR	14.0
			NE	SW		IRR	14.0
			NW	SW		IRR	14.0
			SE	SW		IRR	14.0
			NW	SE		IRR	14.0
			SW	SE		IRR	14.0
						Section Acres	154.0
		14	NE	NE		IRR	18.0
			NW	NE		IRR	18.0
			SW	NE		IRR	18.0
			SE	NE		IRR	18.0
			NE	SE		IRR	18.0
			NW	SE		IRR	18.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	188.0
		24	NE	NE		IRR	20.0
						Section Acres	20.0
						Total Acres	2538.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
63-00166, 63-00167

14. Remarks:

THE LANDS LISTED IN ITEM 10 ARE FOR THE ENTIRE FRANKLIN DITCH COMPANY'S LANDS, AS THIS WATER MAY BE EXCHANGED FOR BOISE RIVER WATER.

ALL LANDS ARE WITHIN THE SERVICE AREA OF THE FRANKLIN DITCH CO.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: - 4 -

For Organizations:

I do solemnly swear or affirm that I am Secretary of Franklin Ditch Co, that I have signed the foregoing document in the space below as Secretary of Franklin Ditch Co and that the statements contained in the foregoing document are true and correct.

Floyd J Rosdahl
Signature of Authorized Agent
Sec. Franklin Ditch
Title and Organization
20 Feb 1990
Date

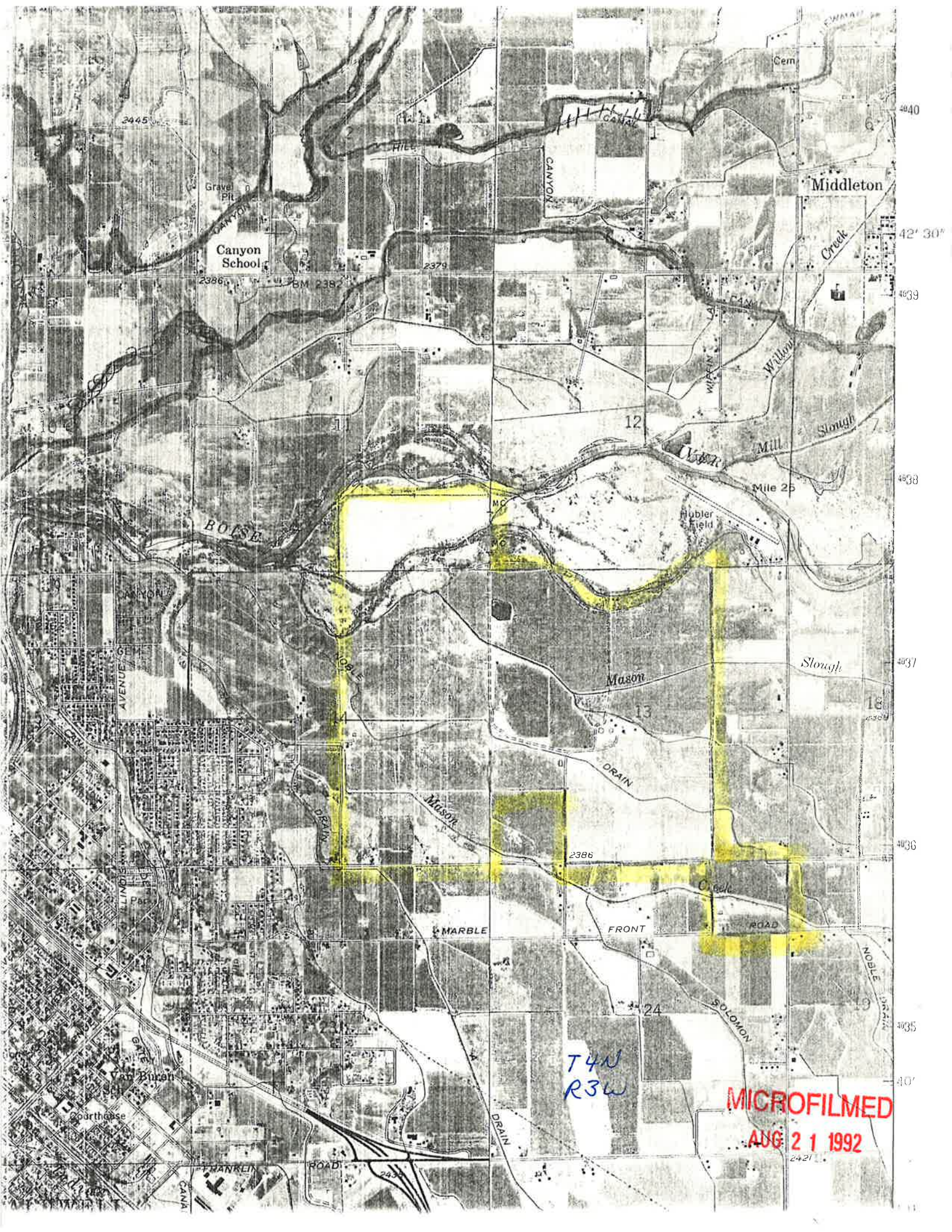
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20th day of February 19 90
Carter Fritschle
Notary Public

Seal

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994
My Commission Expires
Date: 02/20/90

[illegible][illegible]



3445

Gravel Pit

Canyon School

2386

BM 238

Hill

CANYON

Cem

Middleton

Creek

Willow

Slough

Mill

Mile 25

Hubler Field

BOISE

CANYON

AVENUE

DRAIN

BOISE

Mason

Slough

DRAIN

Mason

2386

MARBLE

FRONT

ROAD

24

SOLOMON

DRAIN

Van Buren

Courthouse

FRANKLIN

ROAD

2435

T4N
R3W

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AUG 21 1992

2421

Franklin Park Co.

Township	Range	Section	NE 1/4				NW 1/4				SE 1/4				TOTALS			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4				
4 N	20	24		20	20		40	40	20	20								100
		23	40	40	20	20	40	40	30	20								250
		22	40	40	35	35	40	40	35	40								305
		21	40	40	25	30	40	40	40	40	40							415
		13											40	25				65
		14											25					85
		15											40	40				140
		16							30	10	40	40	40	40	20	40	40	320
		17				40									40			80
		18	40	40		40					40				40	40	40	200
4 N	30	11																120
		13		14	14		14	14	14	14					78	18	18	36
		14	18	18	18	18					18	18	14		18	14		154
		24	20								18	18	40	40	40	40	40	188
																		20
																		2520

MICROFILMED
AUG 21 1992

