

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No.

11-7829

RECEIVED

APR 24 2017

Department of Water Resources

1. Name of applicant(s) Fish Haven Pipeline Co. Inc. Phone 208-945-2680
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO Box 158 City Fish Haven
 State ID _____ ZIP 83287-0158 Email rcb@racinelaw.net
2. Name of representative, if any Randall C. Budge Phone 208-232-6101
 Mailing address PO Box 1391 City Pocatello
 State ID _____ ZIP 83204 Email rcb@racinelaw.net
- 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 #
16S	43E	22	2		NE	SE	Bear Lake	Groundwater	East Well
16S	43E	22	2		NE	SE	Bear Lake	Groundwater	West Well

5. Water will be used for the following purposes:
- Amount 0.43 for Domestic purposes from 01/01 to 12/31 (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) 0.43 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. 2 existing wells, pipelines and installation of new 40 hp pump to replace existing 7.5 hp. pump.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ 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 8" 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? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____.

Received by SC Date 4/24/17 Time _____ Preliminary check by _____
 Fee \$ 250- Receipted by SC Receipt No. ED42958 Date 4/24/17

11-7829

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

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households _____
- Other; describe fully. To provide a replacement water supply from existing well for domestic purposes should supplies from spring source under water right no. 11-4270 be reduced or go off.

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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	43E	14		L1	L2		L1		X	L2	L3	X	L4	L4		L3			
16S	43E	15			X	X				X					X	X			
16S	43E	22	X			L1									L2			L3	
16S	43E	23						L1	L1										
16S	43E	27	L1			L2									L3	L3	L4	L4	

Total number of acres to be irrigated: _____

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? Fish Haven Springs is source for Water Right No. 11-4270. Right No. 11-7413 is a licensed groundwater right.

11. a. Who owns the property at the point of diversion? Applicant

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

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

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. To provide a replacement water supply from existing well for domestic purposes should supplies from spring source be reduced or go off.

13. Time required for completion of works and application of water to proposed beneficial use is 5 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.

Randall C. Budge, Attorney / POA
Signature of Applicant

Randall C. Budge, Attorney / POA
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on its behalf.

DATED this 14 day of April, 2017.

FISH HAVEN PIPELINE CO., INC.

By: Henry A. Howell
Name: Henry Howell
Title: President

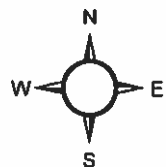
STATE OF IDAHO)
 :SS
County of Bear Lake)

On this 14th day of April, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY HOWELL, known or identified to me to be the President of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

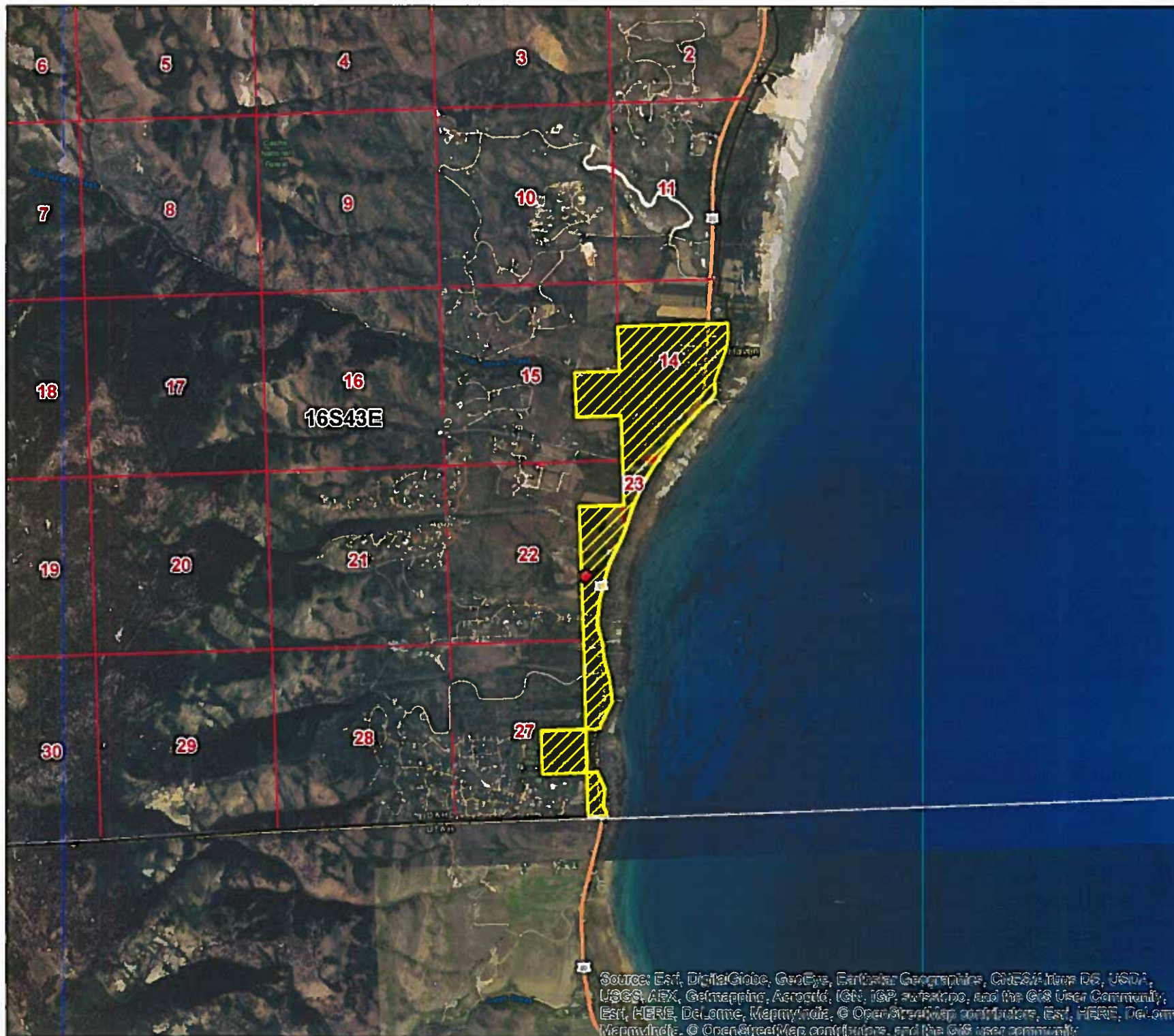


Cindy Garner
NOTARY PUBLIC FOR IDAHO
Residing at: St Charles, Idaho
Commission expires: 3-2-2021



Legend

- POD
- POU
- TR Lines
- Section Lines



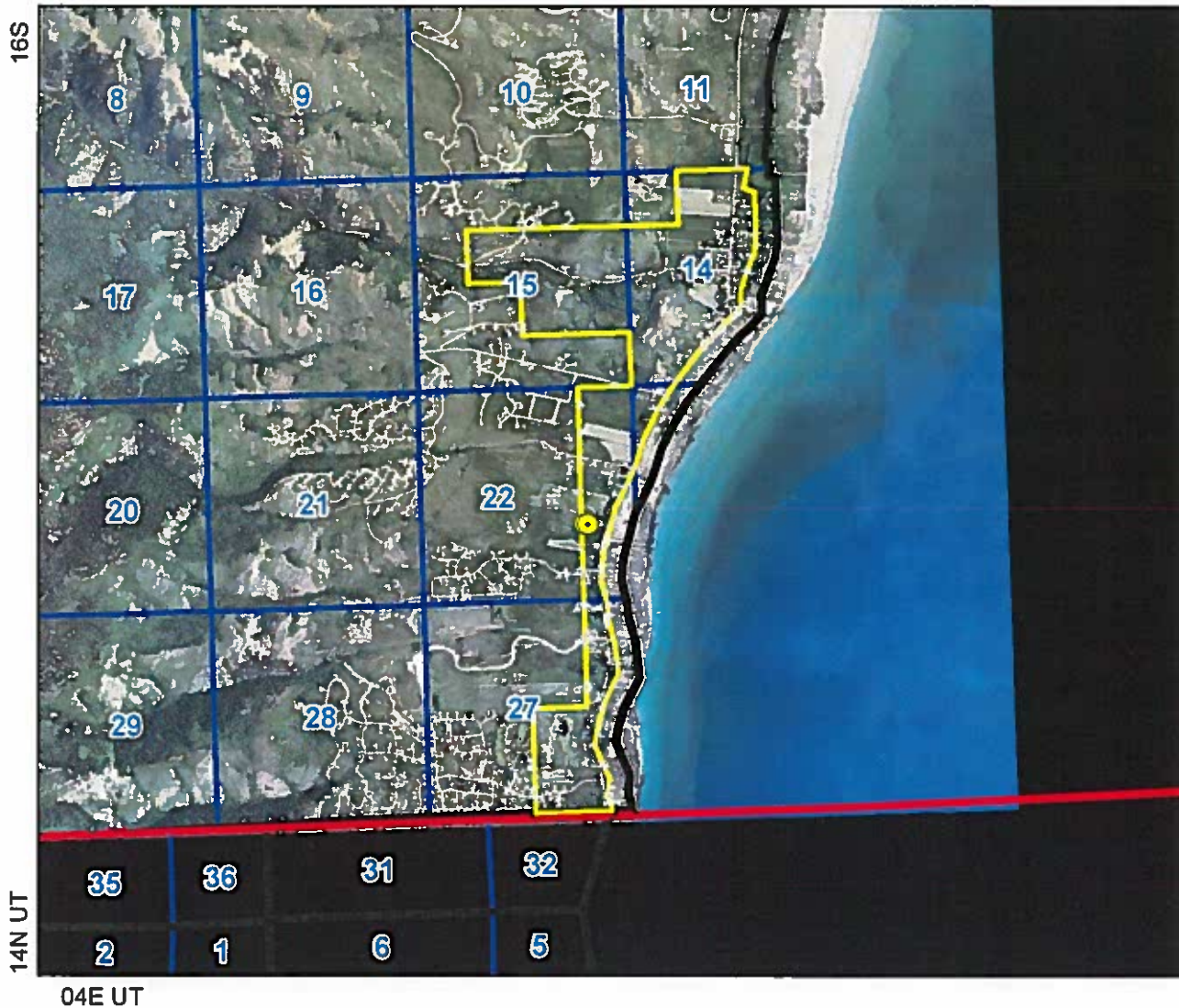
State of Idaho
Department of Water Resources

Water Right
11-7413

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

43E



● Point of Diversion

□ Place Of Use Boundary

□ Townships

□ PLS Sections

11-7829

State of Idaho
Department of Water Resources

Water Right

11-4270

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.5 1 2 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

11-7829



[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/7/2017

WATER RIGHT NO. 11-7413

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FISH HAVEN PIPELINE CO INC PO BOX 158 FISH HAVEN, ID 83287-0158 (208)945-2680

Priority Date: 06/20/1994

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	12/31	0.24 CFS	240 AFA
Total Diversion			0.24 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESE Lt 2	Sec. 22	Township 16S	Range 43E	BEAR LAKE County
GROUND WATER	NESE Lt 2	Sec. 22	Township 16S	Range 43E	BEAR LAKE County

DOMESTIC Use:

Number of homes: 200

11-7829

Place(s) of use:

Place of Use Legal Description: DOMESTIC BEAR LAKE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
16S	43E	14	1	NWNE		2	SWNE							
			1	NENW			SWNW		2	SENE				
			3	NESW			NWSW		4	SWSW		4	SESW	
			3	NWSE										
		15		SWNE			SENE							
				SENE										
				NESE			NWSE							
		22		NENE		1	SENE							
			2	NESE		3	SESE							
		23	1	NWNW		1	SWNW							
		27	1	NENE		2	SENE							
			3	NESE		3	NWSE		4	SWSE		4	SESE	

Conditions of Approval:

1. X35 Rights 11-4270 and 11-7413 when combined shall not exceed a total annual maximum diversion volume of 240 acre-feet.
2. X01 Domestic use is for 200 homes.
3. 071 The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
4. 070 The irrigation occurring under this domestic use shall not exceed 1/2 acre within each lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.

Dates:

Licensed Date: 08/30/2016

Decreed Date:

Permit Proof Due Date: 9/1/1999

Permit Proof Made Date: 8/23/1999

Permit Approved Date: 8/29/1994

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 06/20/1994

Protest Deadline Date:

Number of Protests: 0

11-7829

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

11-7829

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/7/2017

WATER RIGHT NO. 11-4270

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FISH HAVEN PIPELINE CO INC PO BOX 158 FISH HAVEN, ID 83287-0158 (208)945-2680

Priority Date: 09/01/1939

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
FISH HAVEN SPRING	FISH HAVEN CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	4 CFS	
DOMESTIC	1/01	12/31	4 CFS	
Total Diversion			4 CFS	

Location of Point(s) of Diversion:

FISH HAVEN SPRING|SWNE|Sec. 16|Township 16S|Range 43E|BEAR LAKE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BEAR LAKE County

1 1 - 7 8 2 9

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
16S	43E	14		SWNE	2									
				SWNW	1		SENE	2						
				NESW	2		NWSW	1		SWSW	1		SESW	2
		15		NESE	1									
		22		SENE	1									
				NESE	2		SESE	2						
		23		NWNW	2									
		27		NENE	2		SENE	2						
				NESE	1		SESE	2						

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 26

Conditions of Approval:

1. CLAIM C/O CLARENCE NELSON, SEC.

Dates:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

11-7829

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

11-7829



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 10, 2017

FISH HAVEN PIPELINE CO INC
PO BOX 158
FISH HAVEN, ID 83287-0158

Application For Permit No. 11-7829

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 NEWS EXAMINER on May 17 and 24, 2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**on June 5, 2017 at 5:00 pm**).

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,

Sharla Cox
Administrative Assistant

CC: RANDALL C BUDGE
RACINE OLSON LAW
PO BOX 1391
POCATELLO, ID 83204-1391



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

May 10, 2017

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Josh Hanks
Water District 11
85 Crayon Ct
Logan UT 84321

RE: Application for Permit 11-7829

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, May 10, 2017 8:55 AM
To: 'mhigley@news-examiner.net'
Subject: Legal Notice for your paper
Attachments: News Examiner.RTF

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

May 10, 2017

Legal Notice Department

News Examiner

PO Box 278

Montpelier ID 83254-0278

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 June 5, 2017. Your cooperation is appreciated.

Sincerely

Sharla Cox

Administrative Assistant

Dept of Water Resources

900 N Skyline Dr Ste A

Idaho Falls ID 83402

208-525-7161

208-525-7177 – fax

Sharla.cox@idwr.idaho.gov

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

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

11-7829

FISH HAVEN PIPELINE CO INC

PO BOX 158

FISH HAVEN, ID 83287-0158

Point of Diversion

L2(NESE) S22 T16S R43E

L2(NESE) S22 T16S R43E

BEAR LAKE County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31 0.43 CFS

Total Diversion: 0.43 CFS

Date Filed: 4/24/2017

Place Of Use: DOMESTIC

T16S R43E S14 L1(NWNE) L2(SWNE) L1(NENW) SWNW L2(SENW) L3(NESW) NWSW L4(SWSW) L4(ESW) L3(NWSE)

T16S R43E S15 SWNE SENE SENW NESE NWSE

T16S R43E S22 NENE L1(SENE) L2(NESE) L3(SESE)

T16S R43E S23 L1(NWNW) L1(SWNW)

T16S R43E S27 L1(NENE) L2(SENE) L3(NESE) L3(NWSE) L4(SWSE) L4(SESE)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before June 5, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on May 17 and 24, 2017

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

11-7829

FISH HAVEN PIPELINE CO INC

PO BOX 158

FISH HAVEN, ID 83287-0158

Point of Diversion

L2(NESE) S22 T16S R43E

L2(NESE) S22 T16S R43E

BEAR LAKE County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31 0.43 CFS

Total Diversion: 0.43 CFS

Date Filed: 4/24/2017

Place Of Use: DOMESTIC

T16S R43E S14 L1(NWNE) L2(SWNE) L1(NENW) SWNW L2(SENW) L3(NESW) NWSW L4(SWSW) L4(SESW)
L3(NWSE)

T16S R43E S15 SWNE SENE SENW NESE NWSE

T16S R43E S22 NENE L1(SENE) L2(NESE) L3(SESE)

T16S R43E S23 L1(NWNW) L1(SWNW)

T16S R43E S27 L1(NENE) L2(SENE) L3(NESE) L3(NWSE) L4(SWSE) L4(SESE)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before June 5, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on May 17 and 24, 2017



RANDALL C. BUDGE
rcb@racinelaw.net

April 20, 2017

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED

APR 24 2017

Department of Water Resources
Eastern Region

Re: Fish Haven Pipeline Company, Inc. – Well Permit

Dear James:

Enclosed please find the following for filing and processing:

1. Original and two copies of Application for Permit;
2. Check in the amount of \$250.00 for filing fees; and
3. Stamped and addressed return envelopes to me and the Applicant.

Please file and process the original and conform stamp and return the extra copies in the provided envelopes. If you have any questions, don't hesitate to give me a call. Thanks for your assistance.

Sincerely,

A handwritten signature in blue ink that reads 'Randall C. Budge'.

RANDALL C. BUDGE

RCB:ts
Enclosures
c: Fish Haven Pipeline Company