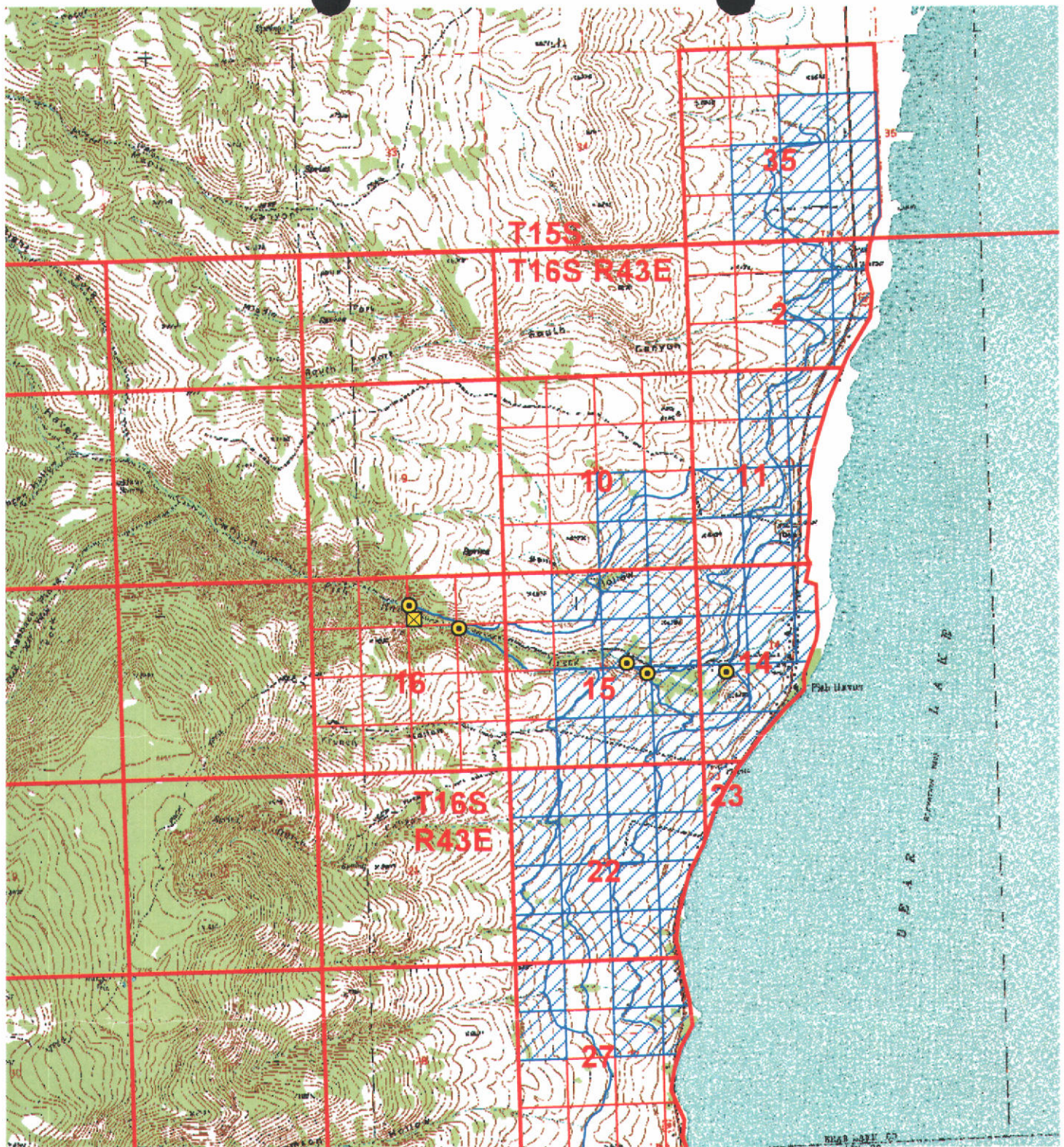




0.7 0 0.7 1.4 2.1 2.8 3.5 Miles

- PODs from Fish Haven Creek
- POD from Spring
- ▨ Amended Place of Use
- ▨ Ditch System

MICROFILMED

OCT 19 2001

11-04022 -- Amendment



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 03 2001

AMENDEDAMENDED
Department of Water Resources
Eastern Region

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that FISH HAVEN WATER USERS COMPANY, C/O LEON HOWELL, SECRETARY

(Name of Claimant)

POST OFFICE BOX 117, FISH HAVEN IDAHO 83287

(Mailing Address)

Telephone No: (208)945-2352

(Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use)
- MAY 18, 1871

A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

FISH HAVEN CREEKtributary to BEAR LAKE~~UNNAMED~~ SPRINGFISH HAVEN CREEK

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity <u>29.6 CFS</u>	Use <u>IRRIGATION</u>	Period of Use From <u>04/15</u>	to <u>11/02</u>
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____

- 4.
- 29.6 CFS
- TOTAL QUANTITY USED.

(cfs or af)

5. A) Location of point of diversion is _____
- $\frac{1}{4}$
- of _____
- $\frac{1}{4}$
- of _____
- $\frac{1}{4}$
- , Govt. Lot _____
-
- Sec. _____ Township _____ Range _____ B.M., _____ County; additional
-
- points of diversion, if any:
- * PLEASE SEE ATTACHED LIST OF POINTS OF DIVERSION

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
DITCH SYSTEM AND PIPELINES FROM HEADWORKS TO PLACE OF USE FOR IRRIGATION WITHIN THE
BOUNDARY OF FISH HAVEN WATER USERS COMPANY. SYSTEM ALSO INCLUDES COLLECTION BOX AND
PIPELINE FROM UNNAMED SPRING TO DELIVERY SYSTEM.

MICROFILMED

RECEIVED

JUL 10 2001

JUL 20 2001

Department of Water Resources
Eastern Region

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
 D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	

PLEASE SEE ATTACHED PLACE OF USE LANDLIST

TOTAL ACRES 1212

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. _____

NOTE: Include here the type and number of stock watered: _____

7. Remarks: _____

8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

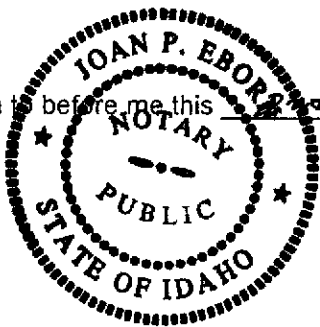
State of IDAHO)
) ss.
 County of BEAR LAKE)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Leon V. Howell

Claimant's Signature (and title if claim is for an organization)

Sworn to before me this July day of 2001



Joan P. Ebor

Notary Public

Residing at: PARIS

My commission expires: 3-17-05

FOR DEPARTMENT USE ONLY

MICROFILMED

Received by HWS Date 7-20-01
 Prelim. check by _____ Date _____
 Fee 50.00 Receipt # EQ26934
 Receipt prepared by HWS Date 7-20-01

Published in _____
 Publication dates OCT 19 2001
 Publication checked by _____ Date _____
 Exceptions filed by _____

Ident. Number: 11-04022

POINT OF DIVERSION ATTACHMENT

Twn	Rge	Sec	1/4	1/4	1/4	Lot	County	Remarks
16S	43E	14		NW	SW		Bear Lake	Fish Haven Creek
16S	43E	15		SW	NE		Bear Lake	Fish Haven Creek
16S	43E	15	NE	NW	SE		Bear Lake	Fish Haven Creek 541675
16S	43E	16	NW	SE	NE		Bear Lake	Fish Haven Creek
16S	43E	16	SW	NW	NE		Bear Lake	Fish Haven Creek
16S	43E	16	SW	NW	NE		Bear Lake	Unnamed Spring

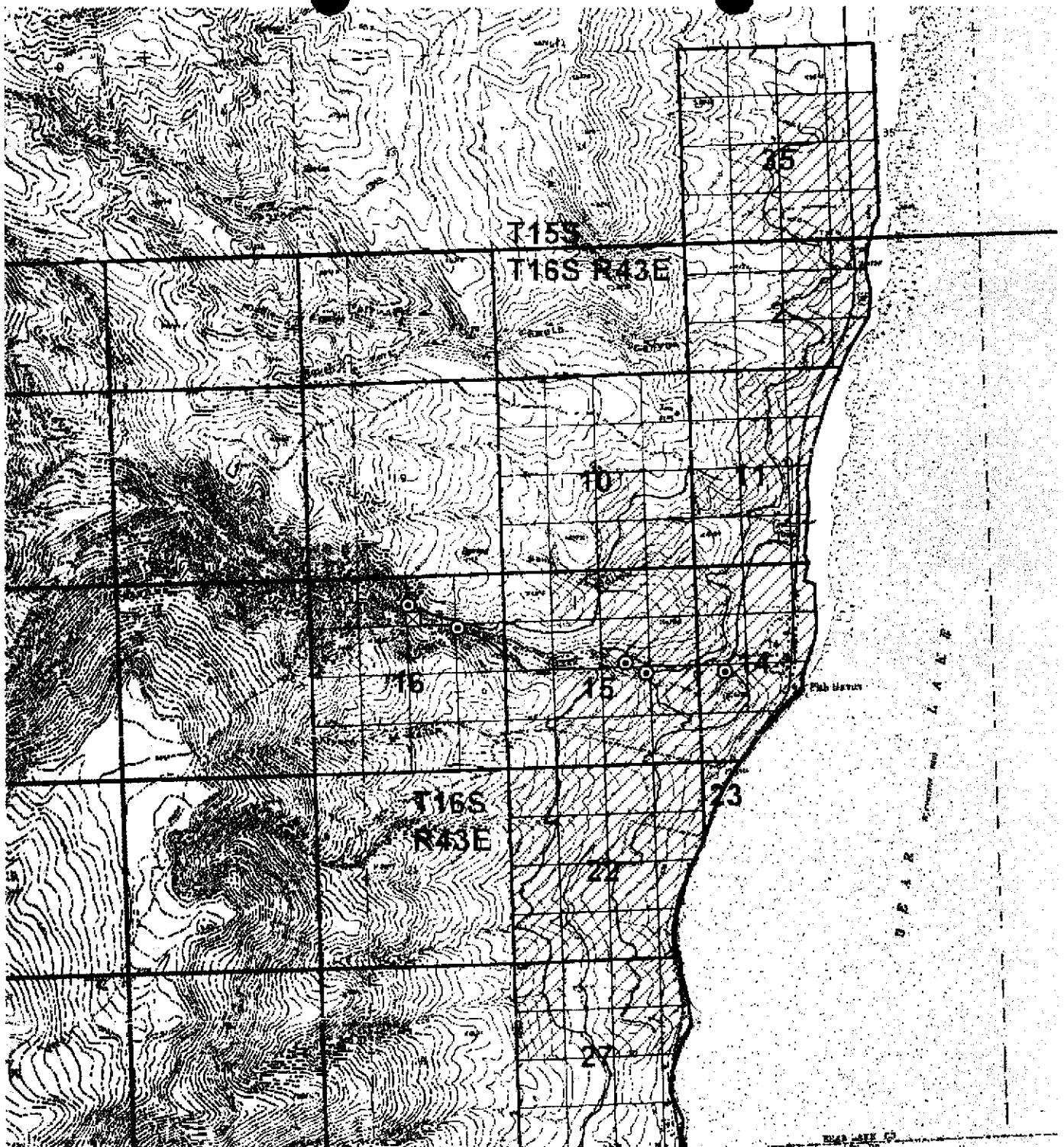
PLACE OF USE LANDLIST ATTACHMENT

Twn	Rge	Sec	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	43E	35			15	5					3			8	23	33	20	20	127
																		L-1	
16S	43E	2	7	5	20	7									27			28	94
			L-3	L-4		L-2												L-1	
16S	43E	10														37	40	18	95
16S	43E	11		16	9		10			9	6	40		35		5	4		134
				L-1	L-2					L-2	L-3			L-4		L-3	L-4		
16S	43E	14		10	15		40	30	36	31	40	40	18	13		3			276
				L-1	L-2		L-1			L-2	L-3		L-4	L-4		L-3			
16S	43E	22	40	40	40	30	40	13	17	22	10	20	24	15	18	26	38	5	398
						L-1									L-2			L-3	
16S	43E	23						20											20
								L-1											
16S	43E	27	13	15	7	10		17	6										68
			L-1	L-1	L-2	L-2													

Total Acres = 1212

MICROFILMED

OCT 18 2001



0.7 0 0.7 1.4 2.1 2.8 3.5 Miles

- ⊙ PODs from Fish Haven Creek
- ⊠ POD from Spring
- ▨ Amended Place of Use
- ▧ Ditch System



11-04022 -- Amendment

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 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	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16 S	43	14	0	10	15	10	40	30	36	21	40	40	18	6	0	10	0	0	266
		15	40	40	40	40	16	0	0	0	31	0	0	40	40	36	30	18	371
		10	0	0	0	0	0	0	0	0	0	0	0	0	0	37	40	18	95
		11	0	16	9	0	10	0	0	9	6	40	0	35	0	5	4	0	134
		2	7	5	20	7	0	0	0	0	0	0	0	0	37	0	0	28	94
		23	0	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0	20
		22	40	40	40	30	40	13	17	22	10	20	24	15	18	26	38	5	398
		35	0	0	15	5	0	0	0	0	3	0	0	8	23	33	20	20	127
		27	13	15	7	10	0	17	6	0	0	0	0	0	0	0	0	0	68

Fish/Hanen, ID
9-5-01

Dear Harold Jones,

Here is a copy of the schedule I sent to Paul.
Note - line two has the information on section # 15
that was left out.

Thanks,

Lyn V. Howell

Secretary Fish/Hanen Water Council

copy
5-2-01
TO Paul Meyers

RECEIVED

SEP 06 2001

Department of Water Resources
Eastern Region

Identification No. _____

Claim No. 11-4022

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Fish Haven Water User's Co.
post office address Fish Haven, Idaho
2. The point of diversion is in N.W. ¼ of S.W. ¼ Section 14 Township 16 S.
Range 43 E. B.M. located on Fish Haven Creek
See enclosed other points of diversion. Ditch # 2 (name of ditch) Upper South & Upper North
tributary to Fish Haven Creek in Bear Lake County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

May 18th, 1871

It is impossible to determine the

amount: _____ c.f.s. or _____ acre feet

C.F.S. flow due to the fluctuation in flow each

amount: _____ c.f.s. or _____ acre feet

Year and our right includes the entire ditch

amount: _____ c.f.s. or _____ acre feet

flow each year

Total claimed 29.6 c.f.s. or _____ acre feet.

per letter of Feb 18, 1961 DWR

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Irrigation Farm period of use from 4-15 to Nov. 2nd (both dates inclusive)

use land period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Wood
_____ ; length is 6 feet; height is 3 feet;

width at bottom is 4 feet; width at top is 4 feet; explain any increase in diversion capac-

ity since structure was first built, giving dates and estimated capacities if known Never changed. Has remained the very same from engenderment.

b. Underground water diverting works: is well flowing or pumped No; depth of well is

None feet; diameter of well is None inches; type of pump is None

capacity of pump is None g.p.m.; name and address of well driller is None

11-4022

-
-
-
-
-

- if feeder canal is used give maximum carrying capacity No Feeder c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions None

- | TWP. | RANGE | SEC. | ~~NE 1/4~~ | | | | ~~NW 1/4~~ | | | | ~~SW 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~~ | ~~NE 1/4~~ | ~~NW 1/4~~ | ~~SW 1/4~~ | ~~SE 1/4~~ | |
| 16 | 5 | 43 | | | | | | | | | | | | | | | | | 320 |
| 16 | 4 | 43 | | | | | | | | | | | | | | | | | 320 |
| 16 | | 43 | | | | | | | | | | | | | | | | | 320 |
| 16 | | 43 | | | | | | | | | | | | | | | | | 320 |
| 16 | | 43 | | | | | | | | | | | | | | | | | 320 |
| 16 | | 43 | | | | | | | | | | | | | | | | | 320 |
| 16 | | 43 | | | | | | | | | | | | | | | | | 320 |
| | | | | | | | | | | | | | | | | | | | 1920 To
per Tel
2-78 |

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
	Total claimed:		1.2 c.f.s. or	_____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

b. Do you get water through a ditch owned by several users? yes If yes, give the name of the ditch
#1; #2; #3; Upper South; Upper North; Town Ditch; The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered None

7. Where water is used for domestic or municipal purposes give number of families served 107
name of town supplied Fish Haven, Idaho

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities All used Irrigation -

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

W. Alfred Howell Born Jan 8, 1892 in Fish Haven, Idaho. I know the water in Fish Haven Creek has been used as irrigation water and watering farm crops for 76 years.

Giffon Christie Pugmire Born at Lake town Utah May 27 1886 I know the water from Fish Haven creek has been applied as irrigation water for the period of 77 years.

Roy C Stock Born Aug 28, 1900 in Fish Haven Idaho. The water from Fish Haven Creek was used for irrigation long as I can remember.

Goff O Stalder Born Nov 28 1901 have lived here all my life and know that the water in all these ditches has been used for irrigation purposes as long as I can remember.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with

all attached information and certifies that all statements are true and accurate to the best of his knowledge.

Jan. 3, 1969
(Date)

State of Idaho

County of Blaine Lake ss.

On this 3rd day of Jan 1969, personally appeared before me the signer(s) of the

above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Goff O. Stalder
(Signature of Claimant)

Fish Haven Water user Co.
Fish Haven Idaho

R. J. Loren
Notary Public residing at Montpelier, Idaho

My commission expires Aug. 27, 1970

dl 1-27-69

For Department Use Only

Received by ef Date 8-8-68

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by AMW Date 2-11-69

Fee received by ef Date 2-13-69 Fee \$ 10.00

Approved for publication by HS Date 2-21-69

Published in Demo Examiner Dates 3-13/20-69

JAN 27 1969

I, Vera Shirley Seal, born April 7, 1901 ^{Department of Reclamation} at Fish Haven, Idaho. I have lived here in Fish Haven nearly all my life and as long as I can remember the water in Fish Haven Creek has been used for irrigation of all the farms and gardens.

I Charles H Shirley born Dec 9-1894 at Fish Haven Idaho. I have farmed and used water from the Fish Haven Creek for irrigation all my life for Farm & Garden.

I Henry Shirley. Born Nov. 29 1893 at Fish Haven Idaho, and have used water from all of these ditches all of my life and can prove they were in use as long as I can remember.
Henry Shirley

I Joel Melvin Schenk, born Nov. 5, 1879 at Fish Haven Idaho. farmed, and irrigated from these ditches from the time I was 12 and 13 years old, I owned the land which was irrigated with this same water. Joel Melvin Schenk

POINTS OF DIVERSION OF DITCHES

Town ditch: N. W. $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section I4, Township I6 South of

Range 43 East of Boise Meridian.

Ditch Number I: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section I4, Township I6 South of

Range 43 East of Boise Meridian.

Ditch Nummer 2: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section I5, Township I6 South of

Range 43 East of Boise Meridian.

Ditch Number 3: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section I5, Township I6 South of

Range 43 East of Boise Meridian.

Upper South: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section I6, Township I6 South of Range

43 East of Boise Meridian.

Upper North: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section I6, Township I6 South of Range

43 East of Boise Meridian.

Total number of acres irrigayed I465.00

RECEIVED

JAN 19 1908

Department of Reclamation

RECEIVED

JAN 27 1903

Department of Reclamation

"The purpose for which this corporation is formed (Fish Haven Water Users Company) are to take over all the waters of Fish Haven Creek, now owned and heretofore appropriated, diverted and used by the owners of land adjacent to Fish Haven Creek, and deliver the same to them for beneficial purposes."

This is the record of our incorporation filed with the State of Idaho at Boise, Idaho.

11-4022

THE NEWS-EXAMINER

MONTPELIER, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

W. Jerome Taylor

being first duly sworn, deposes and says
he is Publisher and Foreman of the
News-Examiner; that the said News-Examiner
is a weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of general
circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for two

successive weeks, commencing with the issue
dated March 13, 1969

and ending with the issue

dated March 20, 1969

W. Jerome Taylor
Publisher and Foreman.

NOTICE OF CLAIM TO WATER RIGHT No. 11-4022

Notice is hereby given that Fish
Haven Water User's Company, Fish
Haven, Idaho has filed a claim to
a water right established by diver-
sion and application to beneficial
use of 29.6 cubic feet per second of
waters from Fish Haven Creek,
tributary to Bear Lake with a point
of diversion located in the
NW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 14, T. 16 S, R. 43 E,
B. M. and points of re-diversion lo-
cated in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 14, T.
16 S, R. 43 E; NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$
SE $\frac{1}{4}$, sec. 15, T. 16 S, R. 43 E, B. M.;
and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 16, T. 16 S,
R. 43 E, B. M., Bear Lake County;
the water is claimed to be used
from April 15 to November 2 for
irrigation with a priority of May
18, 1871, the place of use is located
in all of section 14, all of section 15,
and all of section 16, T. 16 S, R. 43
E, B. M.

Any exception to this claim of
water right may be filed with the
Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in The News-Examiner,
Montpelier, Idaho on March 13 and
March 20, 1969.

(m-13|20)

Subscribed and sworn to before me this 28th day of March, 1969

[Signature]
Notary Public.

11-4022

THE NEWS+EXAMINER

MONTPELIER, IDAHO

Advertising & Commercial Printers

Statement: Account of Department of Reclamation

Date April 1, 1969

March 13	34 Line Notice of Claim to Water Right Fish Haven Water Users published 2 issues	\$7. 82
----------	---	---------

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Ruth Zager
Signature of claimant

THE NEWS-EXAMINER

MONTPELIER, IDAHO

Advertising & Commercial Printers

Statement: Account of Department of Reclamation

Date April 1, 1969

March 13

34 Line Notice of
Claim to Water Right
Fish Haven Water Users
published 2 issues

\$7. 82

I hereby certify that the foregoing
account is just and correct, that the
amount claimed is legally due, after
allowing all just credits, and that
no part of same has been paid.

Beth J. J. J.
Signature of claimant

Distributed for Staffing

Submitted for Advertising

State of Idaho
Department of Water Resources

Amended

CLAIM ANALYSIS SHEET

Amended

11/02/78

11/13/81

INITIAL REVIEW BY:

Hwj

Right Number

11-04022

Applicant

Fish Haven Center users

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.
- ☒ W.D. *11*

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By

Date

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By

Date

*Call Shelley on Monday about
Arc-view interface for
P.O.U.*

AFFIDAVIT OF PUBLICATION

RECEIVED

SEP 07 2001

Department of Water Resources
Eastern Region

STATE OF IDAHO,

ss.

County of Bear Lake

NOTICE OF APPLICATION FOR AMENDMENT
OF CLAIM TO A WATER RIGHT

Notice is given that the Fish Haven Water Users Company, C/O Leion Howell, PO Box 117, Fish Haven ID 83287, has applied to the Department of Water Resources to change the point of diversion and the place of use of the following claim in Bear Lake County pursuant to Idaho Code 42-211:

deposes and says:

That he is the Editor
NEWS-EXAMINER, a weekly newspaper published
pelier, in the County of Bear Lake and State of I
said paper has been and is in general circulat
county aforesaid, and in the vicinity of Montpelle
advertisement, a copy of which is attached hereto
lished in said newspaper once a week for 2
secutive weeks in the regular and entire issue of
during the period and time of publication, and was
in the newspaper proper and not a supplement
paper has been established and regularly publishe
than seventy-eight consecutive weeks prior to t
first publication of said advertisement.

RECORDED RIGHT

Permit No: 11-04022

Source: Fish Haven Creek

Amount: 29.6 cfs

Priority: 05/18/1871

Point(s) of Diversion: NWSW SEC 14

T16S R43E, BEAR LAKE COUNTY

The water is used for irrigation for 1465 acres.

PROPOSED AMENDMENT

The claimants are amending claim 11-04022 to reflect actual points of diversion and places of use. There are five (5) points of diversion in SEC 14, 15, and 16 off Fish Haven Creek and one (1) point of diversion on a spring in SEC 16 T16S R43E.

The places of use are in SEC 2, 10, 11, 14, 22, 23 and 27 T16S R43E and SEC 35 T15S R43E for 1212 acres.

The claim will be subject to all prior water rights. Any exception against approval must be notarized and filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00 for each application on or before September 4, 2001. The protestant must also send a copy of the exception to the applicant.

/s/ Karl J. Dreher
Director

Such notice was published in the issue beginning

August 15, 2001, 19...

with the issue of August 15, 2001, 19...

Rosa J. Moorme

Fees, 95.48

Subscribed and sworn to before me this

of August 15, 19...

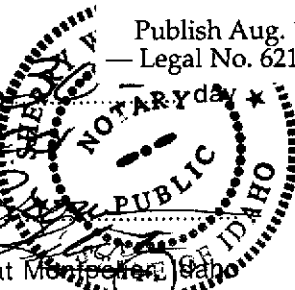
Karl J. Dreher

Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2003

Publish Aug. 15 & 22, 2001

— Legal No. 6213



WOODHILL

SEP 7 2001

No 6213

AFFIDAVIT OF PUBLICATION

Roses
Gifts
Fresh
The

STATE OF IDAHO,

County of Bear Lake

ss.

Rosa J. Moosman

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 15 2001, 192001, and ending with the issue of Aug 15 2001, 192001

Fees, 95.48

Subscribed and sworn to before me this 15 day of August, 192001

Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 20, 2003



Ben Thorndal
Photography

Portraits, Weddings

Seniors

Special Events



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION
August 8, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

News Examiner
PO Box 278
Montpelier ID 83254

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before September 4, 2001.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.

NOTICE OF APPLICATION
FOR AMENDMENT OF CLAIM TO A WATER RIGHT

Notice is given that the Fish Haven Water Users Company, C/O Leion Howell, PO Box 117, Fish Haven ID 83287, has applied to the Department of Water Resources to change the point of diversion and the place of use of the following claim in Bear Lake County pursuant to Idaho Code 42-211:

RECORDED RIGHT

Permit No.:	11-04022	Source:	Fish Have Creek
Amount:	29.6 cfs	Priority:	05/18/1871
Point(s) of Diversion: NWSW SEC 14 T16S R43E, BEAR LAKE COUNTY			
The water is used for irrigation for 1465 acres.			

PROPOSED AMENDMENT

The claimants are amending claim 11-04022 to reflect actual points of diversion and places of use. There are five (5) points of diversion in SEC 14, 15, and 16 off Fish Haven Creek and one (1) point of diversion on a spring in SEC 16 T16S R43E.

The places of use are in SEC 2, 10, 11, 14, 22, 23 and 27 T16S R43E and SEC 35 T15S R43E for 1212 acres.

The claim will be subject to all prior water rights. Any exception against approval must be notarized and filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402 together with a exception fee of \$25.00 for each application on or before September 4, 2001. The protestant must also send a copy of the exception to the applicant.

Karl J. Dreher
Director

Published in the News Examiner on August 15 and 22, 2001.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 8, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Fish Haven Water Users Company
C/O Leion Howell
PO Box 117
Fish Haven ID 83287

RE: Applications for Amendment of Claim to a Water Right #11-04022

Dear Applicant:

This office is currently in the process of advertising the application in the News Examiner on August 15 and 22, 2001. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ::sc

XXXXXXXXXXXXXXXXXXXX
450 W. State Street

XXXXXX
334-4440

January 14, 1980

Fish Haven Pipeline Co.
P.O. Box 115
Fish Haven, ID 83261

Dear Sir:

Re: Claim No. 11-4022

As requested in your letter of January 3, enclosed is a copy of Claim No. 11-4022 in the name of Fish Haven Water User's Co.

If you have any questions or need further assistance, please do not hesitate to contact us.

Sincerely,

Roberta Garrett
Records Supervisor

RG:ab

Enclosures

MICROFILMED

DEPARTMENT OF LANDS
TRANSMITTAL SLIP

DATE: 1/8/80

TO: Dept. of water Resources

FROM: Chief, Bur. of funds - Dept of funds.

ACTION

- | | |
|---|---|
| ☐ NOTE AND FILE | ☐ PER OUR CONVERSATION |
| ☐ NOTE AND RETURN TO ME | ☐ PER YOUR REQUEST |
| ☐ RETURN CORRESPONDENCE | ☐ FOR YOUR APPROVAL |
| ☐ NOTE AND SEE ME ABOUT THIS | ☐ FOR YOUR INFORMATION |
| ☐ PLEASE ANSWER | ☐ FOR YOUR COMMENTS |
| ☐ PREPARE REPLY FOR MY SIGNATURE | ☐ SIGNATURE |
| ☒ TAKE APPROPRIATE ACTION | ☐ INVESTIGATE AND REPORT |

COMMENTS:

The attached letter was forwarded to us from Secretary of State. It appears it should have been directed to Dept. of water Resources.

Jim Mitchell

DEPT. OF LANDS

'80 JAN 8 AM 11:09

Fish Haven, Idaho

Jan. 3, 1980

BOISE, IDAHO

State of Idaho

Pete T. Genarrusa, Sect. of State

Boise, Idaho 83720

11-4022

Dear Mr. Genarrusa,

Because we have some of the Fish Haven pipeline crossing on B.L.M. land we need to have right-of-way granted.

In order to obtain the application we must have a copy of the water permit (or other document) for the water being conducted through this pipeline.

Will you please send a copy of the water permit for the Fish Haven Waters Users Company.

Fish Haven Pipeline Company

Clarence Nelson Sect.

Clarence Nelson

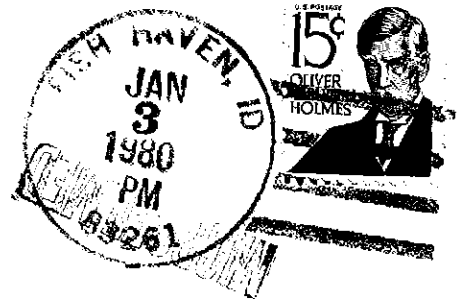
RECEIVED

JAN 9 1980

Department of Water Resources

APPROPRIATE MED

Fish Haven Pipeline Co.
P.O. Box 115
Fish Haven, Id. 83261



Dept. of Lands

State of Idaho

~~Pete T. Cenarrusa, Sec. of State.~~

Boise, Idaho 83720

April 8, 1969

Re: Claim No. 11-4022

Fish Haven Water User's Co.
Fish Haven,
Idaho

Gentlemen:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 11-4022. Please refer to this number when adding or changing the information in your claim.

Enclosed is Receipt No. 2668 in the amount of \$10.00 which covers the filing fee.

You should be advised that the filing of this claim completes the processing procedure by the Department of Reclamation. No further action is authorized under Section 42-225a and the of the Idaho Code. Your claim will be filed and will remain of public record until such time as you or the court need the information.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McElDowney
Appropriation Examiner

DWM:ks

enclosure: Receipt No. 2668 in the amount of \$10.00

11-4022

**NOTICE OF CLAIM TO
WATER RIGHT**

No. 11-4022

Mar

Notice is hereby given that Fish Haven Water User's Company, Fish Haven, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 29.6 cubic feet per second of waters from Fish Haven Creek, tributary to Bear Lake with a point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 14, T. 16 S, R. 43 E, B. M. and points of re-diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 14, T. 16 S, R. 43 E; NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 15, T. 16 S, R. 43 E, B. M.; and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 16, T. 16 S, R. 43 E, B. M., Bear Lake County; the water is claimed to be used from April 15 to November 2 for irrigation with a priority of May 18, 1871; the place of use is located in all of section 14, all of section 15, and all of section 16, T. 16 S, R. 43 E, B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer
Published in The News-Examiner,
Montpelier, Idaho on March 13 and
March 20, 1969.

(m-13/20)

11-41022

February 21, 1969

Re: Claim No. 11-4022
Fish Haven Water User's Co.

News Examiner
P. O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: legal notice (1)

11-4022

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4022-

Notice is hereby given that Fish Haven Water User's Co., Fish Haven, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 29.6 cubic feet per second of waters from Fish Haven Creek, tributary to Bear Lake with a point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 14, T. 16 S, R. 43 E, B.M. and points of re-diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 14, T. 16 S, R. 43 E; NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 15, T. 16 S, R. 43 E, B.M.; and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 16, T. 16 S, R. 43 E, B.M., Bear Lake County; the water is claimed to be used from April 15 to November 2 for irrigation with a priority of May 18, 1871; the place of use is located in ~~the~~ all of section 14, all of section 15, and all of section 16, T. 16 S, R. 43 E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the News Examiner, Montpelier, Idaho on March 13 and March 20, 1969.

11-4022

Fish Haven, Idaho
Feb-10-1969.

Dept. of Reclamation.
State House - Annex 2 -
Boise, Idaho.

Dear Sir:

This letter was sent to the secretary and he sent it to me.

So if we supply with the information that you want.

We could convey 29.6 cubic feet Per second, which is the maximum allowance for diversion under state law.

This will serve as a guide for our system, it could carry this amount 29.6 cubic feet per second.

This is your request for our claim ~~on~~ of our water right.

You may proceed to record it.

Yours truly,

Goff Stalder Pres.

Fish Haven,

Idaho 83261

11-4022

DEW

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

January 29, 1969

Re: Claim to a Water Right

Fish Haven Water User's Company
Fish Haven,
Idaho

Gentlemen:

We are in receipt of your claim to a water right and your check in the amount of \$10.00. Please be advised that before the department begins processing, we would like some additional information.

Your claim would be much more useful if you would supply us with a rate of diversion under Item 3a. Information under Item 4c indicates that you could convey approximately 29.6 cubic feet per second which is the maximum allowable for diversion under state law. If this can serve as a guide and your system has carried at least this much water, then this or a like quantity could be claimed. This 29.6 cubic feet per second was computed on the same basis as was the recent St. Charles adjudication proceedings.

Your prompt reply to our inquiries is appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: none

11-4022

January 29, 1969

Re: Claim to a Water Right

Fish Haven Water User's Company
Fish Haven,
Idaho

Gentlemen:

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Your prompt reply to our inquiries is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: 64ns

11-4022

Dept. of Reclamation
Boise Idaho.

Enclose find ten (\$10.00) dollar
check, fee, filing and recording
claim of Water rights.

Gay Stalder

RECEIVED