

**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 BEAR RIVER BASIN WATER SYSTEM**

RECEIVED

OCT 25 2024

CIVIL CASE NUMBER 79576

Claim ID: 13-138

Date Rcd: 10/28/24

Receipt No: 7001508

Claim Fee: 316.00 **By:** mb

**IDWR/Preston NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

- 1: Name of Claimant(s):** Lazy River Ranch Homeowners Association
Phone:
Mailing Address: 3753 S 3200 W, Weston, ID 83286
E-mail Address: fryfarms6@gmail.com
- 2: Date of Priority (mm/dd/yyyy):** 6/1/1877
- 3: Source of water: Ground Water () or Other (x) (a)** Weston Slough
which is tributary to (b) Bear River
- 4a: Location of Point of Diversion**

T	R	S	QQ	Lot	County	Div. Name or Parcel
16S	39E	18	SWNE		FRANKLIN	Pump (Div. 1)
16S	39E	17	SWNW		FRANKLIN	Headgate (Div. 2)
16S	39E	17	SESW		FRANKLIN	Pump (Div. 3)

5. Description of existing diversion works.

On-stream pond with an earthen embankment captures flows in Weston Slough. A pump (Diversion 1) is located on the northeast side of the pond where it diverts water into mainlines for delivery across the Section 18 place of use. Each lot owner within Phase 1 has a connection to the mainline to allow irrigation. Controlled spillway on the pond also allows water to be released to be sent downstream for delivery of water to Phase 2, or Section 17 of the place of use. A headgate on Weston Slough (Diversion 2) diverts water to an open ditch, which is used to flood irrigate lands in Section 17. Further downstream, a pump (Diversion 3) diverts water into mainline that distributes water to 8 wheel lines for irrigation in Section 17.

6. Water is claimed for the following purposes:

Purpose	From (date)	To (date)	cfs	(or) acre feet
Irrigation	4/01	9/30	1.77	310.10

7. Total quantity claimed (a) 1.77 (cfs) **and/or (b)** (acre feet)

8. Non-irrigation uses; describe fully: None.

9: Description of Place of Use

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
16S	39E	17							2		21	32	31	34					120
		18		3	39	25					40	1				38			146

Parcel no(s):

Total Acres: 266
Acre Limit: 88.6

10. In which counties are lands listed above as the place of use located? Franklin

11. Do you own the property listed above as place of use? Yes () No (X)
If "no" explain in Remarks

12: Describe any other water rights used at the same place and for the same purposes as described above. or None ()

A portion of 13-2113 is also used in Lazy River Ranch, but the acres do not overlap. An enlargement claim captures acres that have been added prior to the BRBA. Some acres are overlapped by shares in Weston Creek Irrigation Company. Many lawns around homes receive water under this right, but are supplemented with domestic wells during times of scarcity. If the lawns are included in the irrigated acres shown on the claim map, then they receive water under this right.

13. Remarks (include an explanation of the priority date selected):

Priority date is based upon decree.

This water right was conveyed by PBJ Holdings, LLC to Lazy River Ranches Homeowners Association, but it was described as Phase 1 and Phase 2 entities. Owner of this right is Lazy River Ranches Homeowners Association, Inc, which is the actual entity as that described on the attached deed.

Place of use is described as a permissible place of use that is comprised of three water rights:

<u>Water Right</u>	<u>Acre Limits</u>
13-138	88.6 ac
Portion of 13-2113	84.0 ac (<i>used by agreement with the Turnbows</i>)
Enlargement	26.4 ac
Total Acres	199.0 ac

Water rights share a common place of use, but do not overlap. One of the claim maps identifies the mapped irrigated acres, based on aerial photography between 2016 and 2021, and verified with the individual landowners.



Claim Map Pg 1. Permissible Place of Use and Delivery System

Legend

- POD
- PPU
- Sections
- Open Ditches
- Mainlines - Approx.
- QQ

BRBA Claim for Water Rights:
13-138, 13-2113, & New Claim
for Enlargement

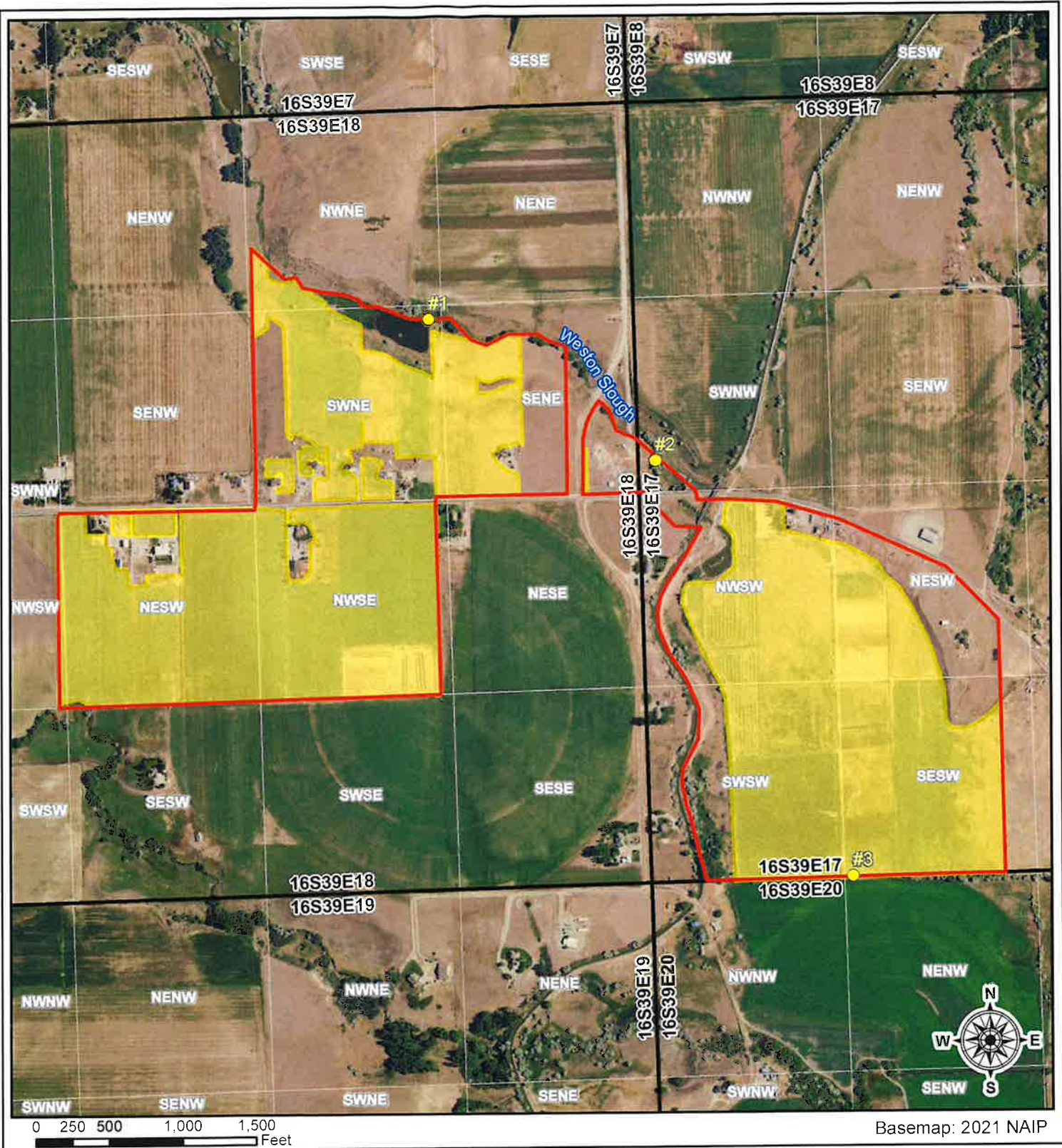
Lazy River Ranches
Weston, Idaho

Date: 10/23/2024

RMEA #: 24-0079

Drafted by: KM





Claim Map Pg 2. Irrigated Acres

Legend

- POD
- Sections
- PPU
- Irrigated Acres
- QQ

BRBA Claim for Water Rights:
13-138, 13-2113, & New Claim
for Enlargement

Lazy River Ranches
Weston, Idaho

Date: 10/23/2024

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14. Basis of Claim (Check one)

Beneficial Use ()
Posted Notice ()
License ()
Permit ()
Decree (X)

Court Fifth Judicial District of Idaho
Plaintiff v. Defendant Lars M. Rasmussen, et al. vs. John P. Nielsen
Decree Date April 12, 1921

IDWR WR number if applicable 13-138

15: Signatures

(a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b) I/We do () do not (x) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

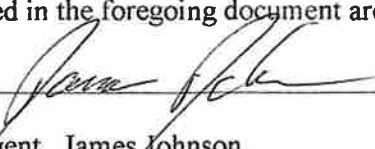
For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

President of Lazy River Ranch Homeowners Association, Inc.
(Agent's Title) (Name of Organization)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 10-24-2024

Printed Name of Authorized Agent James Johnson

16. Notice of Appearance

Notice is hereby given that I, _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

264187

Recorded at the request of
Northern Title
Time 3:49 Amount \$ 10.00

When recorded mail to:
Lazy River Ranches Homeowners Association
2735 West 3600 South
Weston, Idaho 83286

APR 17 2015

SHAUNA T. GEODES, RECORDER
By C. Larson Deputy
Franklin County, Idaho

WATER DEED

PBJ Holdings, LLC

GRANTOR of Cache County, State of Utah hereby Convey and Warrants to

Lazy River Ranches, Phase 1, Homeowners Association
And
Lazy River Ranches, Phase 2, Homeowners Association

grantee of Weston, Idaho for the sum of Ten dollars and other valuable consideration, the following described water rights in Franklin County, State of Idaho:

Water user claim number: **13-138**

WITNESS, the hand of said grantors, this 2nd day of April, 2015

PBJ Holdings, LLC

By: Jay J. Davis
Jay J. Davis, member/manager

State of Utah }
County of Cache } ss:

On the 2nd day of April, 2015, personally appeared before me

Jay J. Davis, Member/manger of PBJ Holdings, LLC

who duly acknowledged to me that he executed the same, with full authority of said limited liability company.

[Signature]
Notary Public

Exp:
Res:



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OCT 25 2024
IDWR/Preston

October 25, 2024

RMEA 24-0079

Idaho Department of Water Resources
Preston Field Office
325 East 600 South, Ste 300
Preston, Idaho 83263-4921

Re: Bear River Basin Adjudication Claims – Lazy River Ranch HOA and Turnbow Land Holdings, LLC

Dear Ms. Marion Beck,

This letter accompanies a check for three Adjudication claims for the water used within Lazy River Ranch HOA, which were transmitted electronically, along with GIS shapefiles to aid in review of the claims. Also attached are worksheets summarizing the fee calculations for a total fee of \$416.

In addition to responses to be provided to the claimant, please copy Rocky Mountain Environmental Associates, Inc. (RMEA) at kristin.rmea@gmail.com with a copy of the receipt and copies of the first pages of each claim, showing the numbers assigned by IDWR.

Please contact our office with any questions regarding these applications.

Thank you,

A handwritten signature in blue ink that reads "Kristin Moore".

Kristin Moore
Senior Water Rights Analyst

Enclosures: Check
 Fee Summary Tables

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