

**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**

CIVIL CASE NUMBER: 79576

Claim ID: 13-8021
Date Received: 2.5.25
Receipt No: P001816
Claim Fee: \$82= By: BW

RECEIVED

FEB 05 2025

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

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) Westover Smith Land Holding LLC Phone (435) 760-0248
Mailing address 790 S 2400 W Lewiston, Utah Zip 84320
Street or Box City State
Email address (optional) jasonwestover@comcast.net
2. Date of priority: (Only one per claim) 05/07/2018 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Bear River
which is tributary to (b) Great Salt Lake
4. a. Location of point of diversion is: Township 16S, Range 39E, Section 20,
SE 1/4 of SE 1/4, Govt. Lot _____, BM, County of Franklin
Parcel no. RP02739.00
Additional points of diversion, if any: 41.9734541, -111.9155165
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
The water is diverted from Bear River into the Cub River Irrigation pressurized system and delivered to the
location of use which is in Utah. Please see attached documentation about the intention of this right to mirror
Utah water right 25-7162.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 0401 to 1031 amount 1.1 or 126

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.1 (cfs) and/or (b) 126 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

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 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	
14N	01W	11	18	13.5															31.5

Parcel no(s) 14-017-0017 Total number of acres irrigated 31.5

10. In which county(ies) are lands listed above as place of use located? Cache County Utah

11. Do you own the property listed above as place of use? Yes (✓) No ()
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

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

Please see attached documents about this right. It is intended to mirror Utah Water Right 25-7162. The diversion point was moved from Utah to Idaho to the location of the Cub River Irrigation Company's point of diversion and is then deliver through their pressurized system back to a parcel of land in Utah.

Name of claimant(s) Westover Smith Land Holding LLC Claim ID _____

Scale: 2 inches equals 1 mile

The image displays a 16x16 grid of squares, each containing a crosshair pattern. The grid is divided into four 8x8 quadrants by a thick horizontal line and a thick vertical line. The crosshair patterns in each quadrant are slightly offset from the center of the squares, creating a moiré-like effect. The patterns are arranged in a checkerboard fashion across the quadrants.

Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License (X) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 13-8021

15. **Signature(s)**

(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 (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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

Vice President of Westover Smith Land Holding LLC
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent Jason Westover Date 2/5/2025

Printed Name of Authorized Agent Jason Westover

16. **Notice of Appearance:**

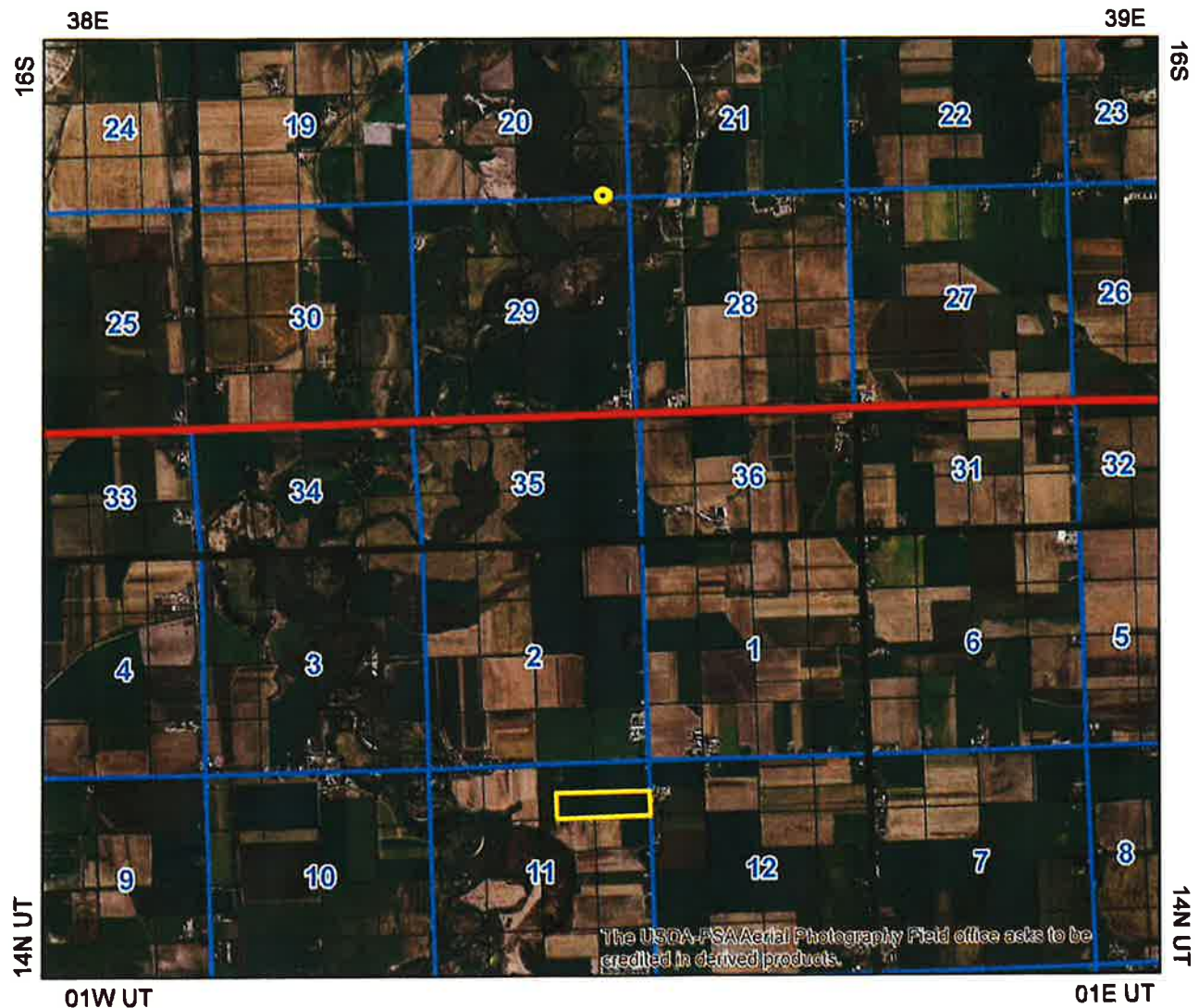
Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) _____ Claim ID _____

State of Idaho
Department of Water Resources
Water Right License
13-8021



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

0 0.5 1 2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

August 17, 2020

CREAM CUP ACRES LLC
790 S 2400 W
LEWISTON UT 84320

RE: License No. 13-8021

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 13-8021

Priority: May 07, 2018

Maximum Diversion Rate: 1.10 CFS
Maximum Diversion Volume: 126.0 AF

It is hereby certified that:

CREAM CUP ACRES LLC
790 S 2400 W
LEWISTON UT 84320

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 07, 2018, and has submitted Proof of Beneficial Use on October 17, 2018. An examination confirms water is diverted from:

Source: BEAR RIVER

Tributary: GREAT SALT LAKE

Beneficial Use

IRRIGATION

Period of Use

04/01 to 10/31

Rate of Diversion

1.10 CFS

Annual Volume

126.0 AF

Location of Point(s) of Diversion

BEAR RIVER SE¼ SE¼, Sec. 20, Twp 16S, Rge 39E, B.M. FRANKLIN County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	01W	11	18.0	13.5															31.5

Total Acres: 31.5

Conditions of Approval

1. This right is intended to mirror Utah water right 25-7162 and represents the same use of water described under that right. This right and Utah water right 25-7162 when combined shall not exceed a total annual maximum diversion volume of 126 acre-feet, or the irrigation of 31.5 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
3. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
4. The place of use described in this right is located in Utah. Water is delivered through Cub River Canal.
5. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 17th day of August, 2020.


JAMES CEFALO
Eastern Regional Manager