

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      CIVIL CASE  
NUMBER: 79576  
OF RIGHTS TO THE USE OF WATER FROM  
THE BEAR RIVER  
BASIN WATER  
SYSTEM      Ident.  
Number:      11-7641

RECEIVED  
JUN 11 2024  
IDWR/Preston

Date Received:      2/26/2023  
Receipt No:      C116109  
Claim Fee:      \$78.00  
Received By:      \_\_\_\_\_

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

1. Name of Claimant(s)

CANYON ESTATES PROPERTY OWNERS ASSN      Phone: (801) 510-4871  
1055 CANYON ESTATES DR  
FISH HAVEN ID 83287

2. Date of Priority:      11/11/2001

3. Source:      Trib. to:  
GROUND WATER  
GROUND WATER  
GROUND WATER

4. Point of Diversion:

| Township<br>of      ¼ | Range<br>Lot | Section<br>County | ¼<br>Type | of | ¼  |
|-----------------------|--------------|-------------------|-----------|----|----|
| 16S                   | 43E          | 15                | NW        | NW |    |
| BEAR LAKE             |              |                   |           |    |    |
| 16S                   | 43E          | 15                | NW        | NW |    |
| BEAR LAKE             |              |                   |           |    |    |
| 16S                   | 43E          | 15                | SE        | NW | NE |
| BEAR LAKE             |              |                   |           |    |    |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) | A.F.A |
|----------|-------|-------|--------|------|-------|
| DOMESTIC | 01/01 | 12/31 | 0.28   |      | 10.1  |

7. Total Quantity Appropriated is:

0.28 C.F.S. and/or 10.1 A.F.A.

8. Non-irrigation uses:

9. Place of use:

DOMESTIC within BEAR LAKE County

Township Range Section  $\frac{1}{4}$  of  $\frac{1}{4}$  Lot Acres

|     |     |    |    |    |
|-----|-----|----|----|----|
| 16S | 43E | 15 | NE | NE |
| 16S | 43E | 15 | NW | NE |
| 16S | 43E | 15 | SW | NE |
| 16S | 43E | 15 | SE | NE |
| 16S | 43E | 15 | NE | NW |
| 16S | 43E | 15 | SE | NW |

10. In which county(ies) are lands listed above as place of use located? Bear Lake

11. Do you own the property listed above as place of use? No

If your answer is no, describe in remarks below the authority you have to claim this water right.

Board Member for Canyon Estates Property Owners Association (CEPOA)

12. Other Water Rights Used:

11-7435, 11-7719

13. Remarks:

Priority Date Explanation:

The Water Management and Operation Plan for Sams Hollow

Water Company shall contain the following components: (a) a description of a method for forecasting flows in Fish Haven Creek using measured Fish Haven Creek data or data from a comparable basin; (b) a fixed date each year, no later than April 1, when the volume of water to be diverted under this right during the upcoming year is declared and the forecasted streamflows will be compared to projected water use within the subdivision; (c) a description of curtailment or other water conservation measures that will be employed in times of mitigation water shortages, and how water users will be notified prior to May 1 about restricted water use in the year of predicted shortage; (d) a description of how the curtailment and conservation measures will be monitored and enforced; (e) a description of the entire flow path of mitigation water, including ditches, pipes, culverts, control structures, and how the system will operate; (f) a specific description and the location of each measuring device and how each measuring device will be installed and maintained; (g) a description of the frequency of measuring, comparing, and reporting; (h) a list of those to whom the reports will be submitted; (i) the identity of the specific officer, by title, in the association or corporate organization, that will be responsible for the oversight of system operation; (j) an alternate plan for mitigation water or curtailment should statutory claim no. 11-4022 ever be curtailed by the watermaster of the Bear River; and (k) an operations manual that describes duties relative to operation, monitoring, and reporting.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Points of diversion are located within a 0.1 acre lot between Lots 4 & 5, Blk 1, Canyon Estates No. 1, and Lot 2, Blk 1, Canyon Estates.

The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

This right does not grant any right-of-way or easement across the land of another.

Domestic use is for 14 homes.

Diversion and use of water under this right is governed by a Water Management and Operation Plan ("Plan") (last

amended February 10, 2015). The Plan outlines the delivery, measurement, reporting, and mitigation requirements associated with this right. Failure of the right holder to adhere to the provisions of the Plan, including the requirement for mitigation and to have an active officer assigned to implement the Plan, is cause for the director to issue a notice of violation, cancel or revoke the right, or request that the watermaster curtail diversion and use of water. Any amendments to the Plan must be approved in writing by IDWR.

The irrigation occurring under this domestic use shall not exceed 1/10 acre within each platted subdivision 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.

Place of use is located within Lots 1 - 4, 12 - 14, The Pointe at Canyon Estates #1; Lots 6 - 11, The Pointe at Canyon Estates #2; and Lot 15, The Pointe at Canyon Estates #3.

To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder has set aside 2.4 af and 2.0 acres of water right 11-4022 for mitigation purposes. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used in any other way, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation right.

14. Basis of Claim: License

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 notice in the BEAR River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_X\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.**

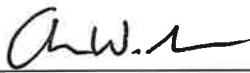
Number of attachments: \_\_\_\_\_

**For Organizations:**

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

Board Member of CEPOA,  
Agents 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   
Date 5/30/24

Printed Name of Authorized Agent Anthony W Spehar

State of Idaho  
Department of Water Resources

# Water Right

11-7641

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.



Date created: 11/19/2020



## Legend

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

