

**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: 11-7719

Date Received: 2/26/2023
Receipt No: C116109
Claim Fee: \$25.00
Received By: _____

COPY

RECEIVED
MAY 30 2024
IDWR/Preston

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

1. Name of Claimant(s)

CANYON ESTATES PROPERTY OWNERS ASSN
1055 CANYON ESTATES DR
FISH HAVEN ID 83287

Phone: (801) 510-4871

2. Date of Priority: 11/11/2001

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

4. Point of Diversion:

Township of	Range Lot	Section County	¼ 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	0.04		1.4

7. Total Quantity Appropriated is:

0.04 C.F.S. and/or 1.4 A.F.A.

8. Non-irrigation uses:

9. Place of use:

DOMESTIC within BEAR LAKE County

Township	Range	Section	¼ of	¼ Lot Acres
16S	43E	15	SW	NE
16S	43E	15	NW	NW
16S	43E	15	SW	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, 11-7641

13. Remarks:

Priority Date Explanation:

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.

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 0.4 af and 0.3 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.

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

Place of use is located within Lot 5, the Pointe at Canyon Estates #1, and a 19.85 acre parcel generally described as T-6744F, W2NW 15-16-43.

Domestic use is for 2 homes.

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.

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.

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 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.

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

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 AW. n
Date 5/30/24

Printed Name of Authorized Agent

Anthony W Spehar

11-7719 1

Water Right 11-7719

Water Right Point of Diversion

Water Right Place of Use

Sections

QQ

Parcels

