

**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

Ident. Number: 13-4054
Date Received: 9/5/2024
Receipt No: P001295
Claim Fee: \$54.00
Received By: MB

RECEIVED

SEP 17 2024

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

IDWR/Preston

1. Name of Claimant(s)

FAIRVIEW WATER DISTRICT
PO BOX 646
PRESTON ID 83263

Phone: (435) 770-6431

2. Date of Priority: 1/1/1941

3. Source:

SPRINGS FOSTER CREEK
SPRINGS FOSTER CREEK
SPRINGS FOSTER CREEK

Trib. to:

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
15S	41E	19	SW SW		FRANKLIN	
15S	41E	20	SW SW		FRANKLIN	
15S	41E	19	SE SE		FRANKLIN	

5. Description of diverting works:

A weep pipe in the ground captures spring water that is then piped to the shared spring manifold box. The rest of the system is the same as described on the other spring source.

A weep pipe in the ground captures spring water that is then piped to the shared spring manifold box. The rest of the system is the same as described on the other spring source.

A weep pipe in the ground surrounded by rocks and sand captures the spring water in a pipe that is then delivered to a spring manifold box. From here water is piped down the canyon into the distribution pipe and supplying some homes. After, the water is then delivered into two storage reservoirs. From here, piping system delivers water throughout the rest of the system.

6. Water is used for the following purposes:

Purpose
MUNICIPAL

From To C.F.S. (or) A.F.A
01/01 12/31 0.04

7. Total Quantity Appropriated is:

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

8. Non-irrigation uses:

Municipal use for users along the system for homes, lawns, outbuildings, etc.

9. Place of use:

MUNICIPAL within FRANKLIN, CACHE UT County

Township	Range	Section	¼	of	¼	Lot	Acres
15S	40E	24	SW		SW		
15S	40E	25	NE		NW		
15S	40E	25	NW		NW		
15S	40E	26	SE		NE		
15S	40E	26	SE		SW		
15S	40E	26	NE		SE		
15S	40E	26	NW		SE		
15S	40E	26	SW		SE		
15S	40E	34	NE		SE		
15S	40E	34	SW		SE		
15S	40E	34	SE		SE		
15S	40E	35	NW		NE		
15S	40E	35	NE		NW		
15S	40E	35	SW		NW		
15S	40E	35	NW		SW		
15S	40E	35	SW		SW		
16S	39E	9	NE		NE		
16S	39E	9	NW		NE		
16S	39E	9	SW		NE		
16S	39E	9	SE		NE		
16S	39E	9	NE		SE		
16S	39E	9	NW		SE		
16S	39E	9	SW		SE		
16S	39E	9	SE		SE		
16S	39E	10	NE		NE		
16S	39E	10	NW		NE		
16S	39E	10	SW		NE		
16S	39E	10	SE		NE		
16S	39E	10	NE		NW		
16S	39E	10	NW		NW		
16S	39E	10	SW		NW		
16S	39E	10	SE		NW		

16S	39E	10	NE	SW
16S	39E	10	NW	SW
16S	39E	10	SW	SW
16S	39E	10	SE	SW
16S	39E	10	NE	SE
16S	39E	10	NW	SE
16S	39E	10	SW	SE
16S	39E	10	SE	SE
16S	39E	11	NE	NW
16S	39E	11	NW	NW
16S	39E	11	SW	NW
16S	39E	11	SE	NW
16S	39E	11	NE	SW
16S	39E	11	NW	SW
16S	39E	11	SW	SW
16S	39E	11	SE	SW
16S	39E	11	NE	SE
16S	39E	11	NW	SE
16S	39E	11	SW	SE
16S	39E	11	SE	SE
16S	39E	12	NE	SW
16S	39E	12	NW	SW
16S	39E	12	SW	SW
16S	39E	12	SE	SW
16S	39E	12	NW	SE
16S	39E	12	SW	SE
16S	39E	12	SE	SE
16S	39E	13	NE	NE
16S	39E	13	NW	NE
16S	39E	13	SW	NE
16S	39E	13	NE	NW
16S	39E	13	NW	NW
16S	39E	13	SW	NW
16S	39E	13	SE	NW
16S	39E	13	NE	SW
16S	39E	13	NW	SW
16S	39E	13	SW	SW
16S	39E	13	SE	SW
16S	39E	13	NW	SE
16S	39E	13	SW	SE
16S	39E	14	NE	NE
16S	39E	14	NW	NE
16S	39E	14	SW	NE
16S	39E	14	SE	NE
16S	39E	14	NE	NW
16S	39E	14	NW	NW
16S	39E	14	SW	NW

16S	39E	14	SE	NW
16S	39E	14	NE	SW
16S	39E	14	NW	SW
16S	39E	14	SW	SW
16S	39E	14	SE	SW
16S	39E	14	NE	SE
16S	39E	14	NW	SE
16S	39E	14	SW	SE
16S	39E	14	SE	SE
16S	39E	15	NE	NE
16S	39E	15	NW	NE
16S	39E	15	SW	NE
16S	39E	15	SE	NE
16S	39E	15	NE	NW
16S	39E	15	NW	NW
16S	39E	15	SW	NW
16S	39E	15	SE	NW
16S	39E	15	NE	SW
16S	39E	15	NW	SW
16S	39E	15	SW	SW
16S	39E	15	SE	SW
16S	39E	15	NE	SE
16S	39E	15	NW	SE
16S	39E	15	SW	SE
16S	39E	15	SE	SE
16S	39E	16	NE	NE
16S	39E	16	NW	NE
16S	39E	16	SW	NE
16S	39E	16	SE	NE
16S	39E	16	NE	SE
16S	39E	16	NW	SE
16S	39E	16	SW	SE
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16S	39E	21	SE	NE
16S	39E	21	NE	SW
16S	39E	21	SW	SW
16S	39E	21	SE	SW
16S	39E	21	NE	SE
16S	39E	21	NW	SE
16S	39E	21	SW	SE
16S	39E	21	SE	SE
16S	39E	22	NE	NE
16S	39E	22	NW	NE
16S	39E	22	SW	NE

16S	39E	22	SE	NE
16S	39E	22	NE	NW
16S	39E	22	NW	NW
16S	39E	22	SW	NW
16S	39E	22	SE	NW
16S	39E	22	NE	SW
16S	39E	22	NW	SW
16S	39E	22	SW	SW
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16S	39E	23	SW	NW
16S	39E	23	SE	NW
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16S	39E	23	NW	SW
16S	39E	23	SW	SW
16S	39E	23	SE	SW
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16S	39E	25	SE	NW
16S	39E	25	NE	SW
16S	39E	25	NW	SW
16S	39E	25	SW	SW
16S	39E	25	SE	SW
16S	39E	26	NE	NE
16S	39E	26	NW	NE

16S	39E	26	SW	NE
16S	39E	26	SE	NE
16S	39E	26	NE	NW
16S	39E	26	NW	NW
16S	39E	26	SW	NW
16S	39E	26	SE	NW
16S	39E	26	NE	SW
16S	39E	26	NW	SW
16S	39E	26	SW	SW
16S	39E	26	SE	SW
16S	39E	26	NE	SE
16S	39E	26	NW	SE
16S	39E	26	SW	SE
16S	39E	26	SE	SE
16S	39E	27	NE	NE
16S	39E	27	NW	NE
16S	39E	27	SW	NE
16S	39E	27	SE	NE
16S	39E	27	NE	NW
16S	39E	27	NW	NW
16S	39E	27	SW	NW
16S	39E	27	SE	NW
16S	39E	27	NE	SW
16S	39E	27	NW	SW
16S	39E	27	SW	SW
16S	39E	27	SE	SW
16S	39E	27	NE	SE
16S	39E	27	NW	SE
16S	39E	27	SW	SE
16S	39E	27	SE	SE
16S	39E	28	NE	NE
16S	39E	28	NW	NE
16S	39E	28	SW	NE
16S	39E	28	SE	NE
16S	39E	28	NE	NW
16S	39E	28	NW	NW
16S	39E	28	SW	NW
16S	39E	28	SE	NW
16S	39E	28	NE	SW
16S	39E	28	NW	SW
16S	39E	28	SW	SW
16S	39E	28	SE	SW
16S	39E	28	NE	SE
16S	39E	28	NW	SE
16S	39E	28	SW	SE
16S	39E	28	SE	SE
16S	39E	29	SE	NE

16S	39E	29	NE	SE	
16S	39E	29	SE	SE	
16S	40E	3	NW	NE	
16S	40E	3	NE	NW	
16S	40E	3	NW	SW	
16S	40E	4	NE	SE	
16S	40E	4	SW	SE	
16S	40E	4	SE	SE	
16S	40E	7	SW	SW	4
16S	40E	8	SE	NE	
16S	40E	8	NW	SW	
16S	40E	8	NE	SE	
16S	40E	9	NW	NE	
16S	40E	9	SW	NW	
16S	40E	9	NW	SW	
16S	40E	18	NE	NE	
16S	40E	18	NW	NE	
16S	40E	18	SW	NE	
16S	40E	18	SE	NE	
16S	40E	18	NW	NW	1

10. 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.

11. Other Water Rights Used:

13-4053, 13-7201 and 13-7510

12. Remarks:

Priority Date Explanation:

This is when the people of Fairview sourced water from the springs feeding Foster Creek. See attached petition sent to the court regarding this. A date is not provided but once a document is found with a date as evidence we will provide it. Historically, the Village of Fairview was the entity diverting water from the springs to supply its users. In 1952 the entity changed to the Fairview Water District which has continued operation of the system since.

This claim corrects errors found in the original statutory claim. These 3 springs are the original water source and the legal descriptions for their locations were determined by GPS mapping of the system. These 3 springs do not produce the majority of the water used in the spring system, we

have not seen them exceed 20 gpm. The larger spring 13-4053 drastically produces the most of the water from the spring system. Together, they produce approximately 1300 gpm.

P/U WITHIN LANDS OF FAIRVIEW WTR. DIST.

13. Basis of Claim: Statutory Claim

14. 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 _____ 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

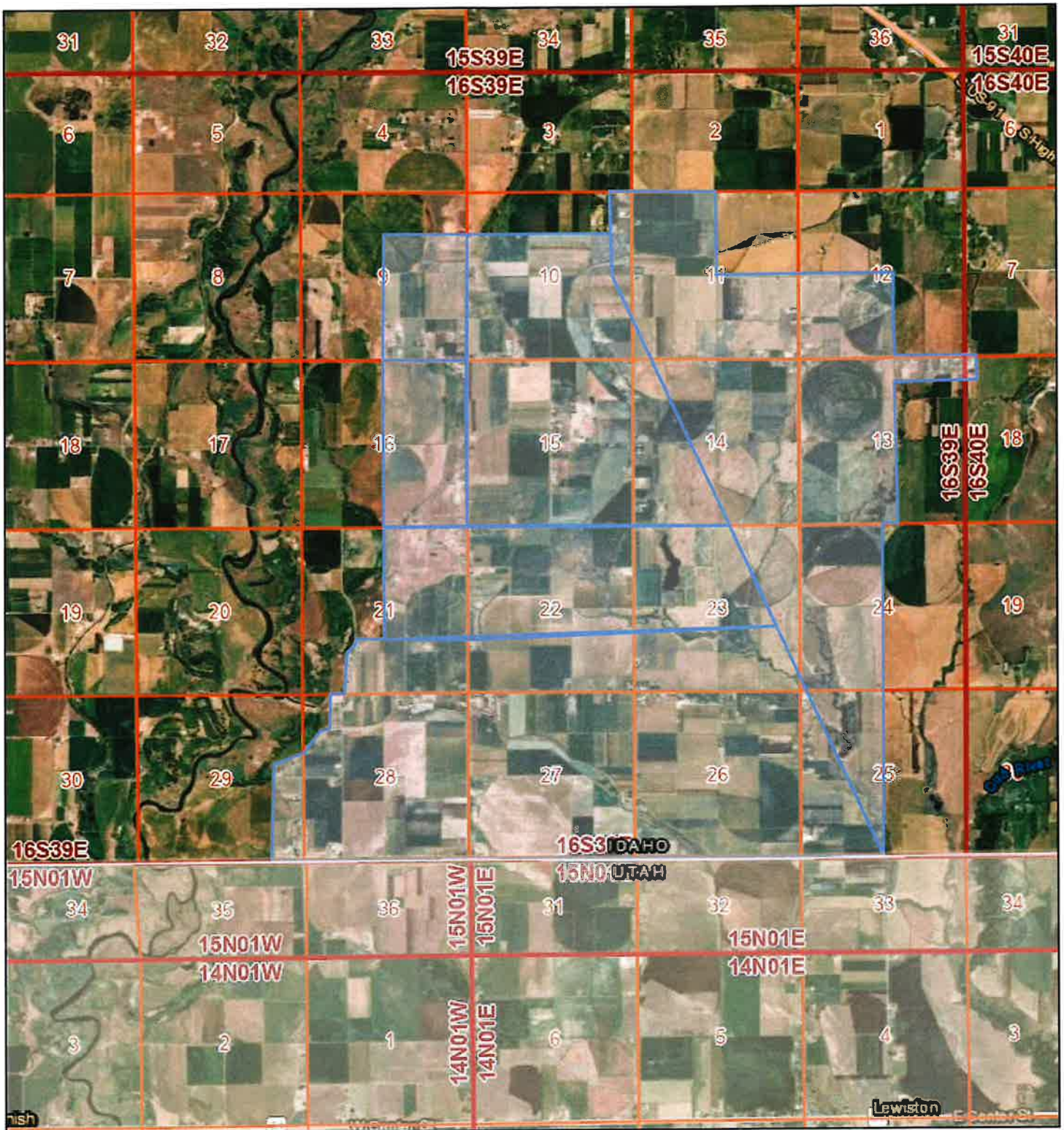
President of Fairview Water District
Agents Title (please print) Name of Organization (please print)

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

Signature of Authorized Agent Patrick Gilbert Date 9-16-24

Printed Name of Authorized Agent Patrick G. Gilbert

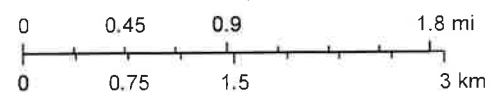
Fairview Water District Boundaries



9/4/2024, 8:13:15 PM

1:72,224

- Idaho
- PLS Sections
- Townships



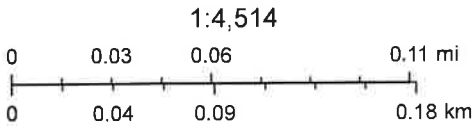
Esri, HERE, Garmin, Esri, HERE, Earthstar Geographics

FWD outside connections



9/4/2024, 8:44:05 PM

- Quarter Quarters
- PLS Sections
- Townships



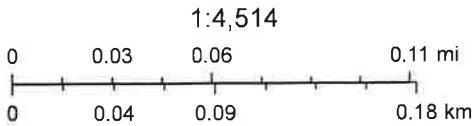
Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar

FWD outside connections 2



9/4/2024, 8:46:57 PM

- Quarter Quarters
- PLS Sections
- Townships



Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar

FWD outside connections3



9/4/2024, 8:48:51 PM

- ☐ Quarter Quarters
- ☐ Townships
- ☐ PLS Sections

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar

FWD outside connections4



9/4/2024, 8:49:58 PM

- ☐ Quarter Quarters
- ☐ Townships
- ☐ PLS Sections

1:9,028



Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar

FWD outside connections5



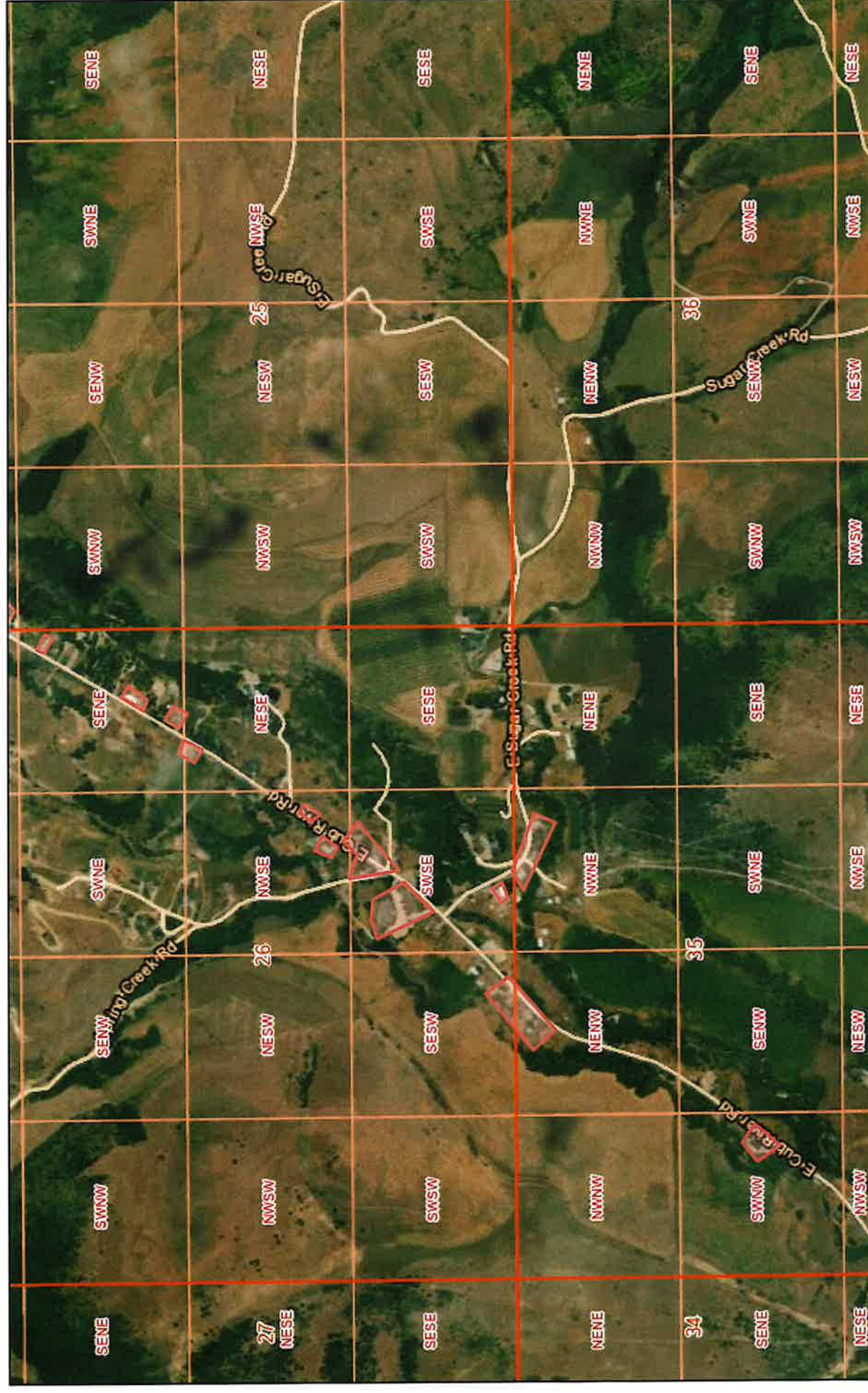
9/4/2024, 8:51:06 PM

1:18,056



Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar

FWD outside connections6



9/4/2024, 8:51:51 PM

1:18,056

Quarter Quarters Townships PLS Sections

Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar

FWD outside connections7

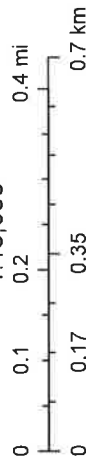


9/4/2024, 8:52:46 PM

1:18,056



Quarter Quarters Township
PLS Sections



Esri, HERE, iPC, Esri, HERE, Garmin, iPC, Maxar