

**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: 13-7532  
Date Received: 4/18/2023  
Receipt No: 7000199  
Claim Fee: \$25.00  
Received By: MB

**RECEIVED**

APR 28 2023

**IDWR/Preston**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW  
For Domestic and/or Stockwater Purposes  
Where Daily Use is less than 13,000 gallons per day**

1. Name of Claimant(s)

W ELDEAN AND PEGGY HOLLIDAY TRUST  
735 E BROOKSHIRE HOLLOW  
KAYSVILLE UT 84037

Phone: (801) 698-4669

2. Date of Priority: 5/11/1995

3. Source:

SPRING SPRING CREEK

Trib. to:

4. Point of Diversion:

| Township | Range | Section | ¼ of ¼ of ¼ | Lot | County   | Type |
|----------|-------|---------|-------------|-----|----------|------|
| 15S      | 40E   | 30      | NW SW NW    | 2   | FRANKLIN |      |

5. Description of diverting works:

A 8 foot, 18" diameter, perforated pipe goes down into the ground. It sits on a slab of concrete and has 4 feet of washed gravel surrounding the pipe. The pipe is wrapped with filter fabric. There is also a layer of filter fabric and a rubber neoprene sheet over the top of the gravel. This was buried by two feet of earth. The water is piped to a spring house, where the water goes into a steel tank and is piped from there to the two homes. Each home has its own pump.

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) | A.F.A. |
|----------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.03   |      |        |

7. Total Quantity Appropriated is:

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

8. Non-irrigation uses:

1 38 foot, fifth wheel forest river cardinal trailer (2002) with a sheet metal shed protecting the trailer from the elements. There is also a septic system with a drain field connected to the trailer. This is a permanent residence.

9. Place of use:

DOMESTIC within FRANKLIN County

| Township | Range | Section | ¼  | of | ¼  | Lot | Acres |
|----------|-------|---------|----|----|----|-----|-------|
| 15S      | 40E   | 30      | SW |    | NW | 2   |       |

10. Do you own the property listed above as place of use? Yes

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

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11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

This is the date that was given for the license. Originally the license was for two homes. In Aug/Sept 2001 we redeveloped the spring because it had gone dry. We deepened the system and was able to have a steady water source after that. Around 2003 both homes were hooked up to East Side Water company with the agreement that in dry years we'd use the spring so they could supply other homes. We did occasionally use the spring during this time. In 2003 our daughter also sold her home. I sold mine in 2007, but kept the part of the property that the spring was on. I continued to maintain and service the system. In 2011 I added a trailer and removed the two homes from the system. In 2017 the Heussers built their home and acquired water to the home from the spring. We signed a joint use and maintenance agreement that we would share the water right 50/50. This is currently how the water is being used. We have agreed to split the water right, and I am claiming my half of the water right.

Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

Domestic use is for 2 homes.

Domestic use does not include lawn, garden, landscape, or other types of irrigation.

The quantity of water under this right shall not exceed 13,000 gallons per day.

Use of water under this right will 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. 13A.

13. Basis of Claim: License

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

Trustee of W. Eldon & Peggy Holliday Trust  
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 W. Eldon Holliday Date 4-28-2023  
Printed Name of Authorized Agent W. Eldon Holliday