

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: 11-4270

Date Received: 11/20/23

Receipt No: P000598

Claim Fee: 476.00 By: mb

RECEIVED

NOV 20 2023

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of claimant(s) FISH HAVEN PIPELINE CO INC. Phone (208) 317-7499
Mailing address PO BOX 158 FISH HAVEN IDAHO Zip 83287-0158
Street or Box City State
Email address (optional) henryahowell@gmail.com; randy@racineolson.com
- Date of priority: (Only one per claim) July 29, 1937 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (✓) (a) FISH HAVEN SPRINGS
which is tributary to (b) FISH HAVEN CREEK
- a. Location of point of diversion is: Township 16 S, Range 43 E, Section 16,
SW 1/4 of NE 1/4, Govt. Lot _____, BM, County of BEAR LAKE
Parcel no. State Property - No Parcel Number
Additional points of diversion, if any: _____
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 _____
- 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.

PIPELINES, COLLECTION BOX, STORAGE TANKS

6. Water is claimed for the following purposes:

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

For DOMESTIC purposes from 1/1 to 12/31 amount 4.0 or _____

For IRRIGATION purposes from 4/1 to 11/1 amount 4.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.0 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) 200 EXISTING HOMES PLUS UP TO 100 ADDITIONAL HOMES

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	
16s	43E	14		D	D/2		D		D/1	D/2	D/2	D/1	D/1	D/2		D			11
16s	43E	15			D	D				D					D/1	D			1
16s	43E	22	D			D/1									D/2			D/2	5
16s	43E	23						D/2	D										2
16s	43E	27	D/2			D/2									D/1	D	D	D/2	7

Parcel no(s). NA

Total number of acres irrigated

26 AC within the 457 AC
Service Area of the
Company

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? 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.

11-7847, 11-7829, 11-7413 OWNED BY CLAIMANT + 2.31 CFS OF 11-4022 OWNED BY FHWU or None ()

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

PRIORITY DATE IS BASED ON DATE OF INCORPORATION OF THE COMPANY. See attahcment.

THE REAL PROPERTY IN THE PLACE OF USE IS OWNED BY CURRENT AND/OR FUTURE
SHAREHOLDERS OF THE COMPANY.

LIST OF ATTACHMENTS:

1. ARTICLES OF INCORPORATION

2. POU MAP

3. POD MAP

4. ATTACHMENT 13

5. IDWR WR REPORT FOR 11-4270

6. IDWR WR MAP FOR 11-4270

Name of claimant(s) FISH HAVEN PIPELINE CO INC.

Claim ID _____

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

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-4270

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: 6

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

PRESIDENT of FISH HAVEN PIPELINE CO INC.
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 Randall C. Budge - POA Date 11/15/2023

Printed Name of Authorized Agent RACINE OLSON, PLLP

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) RANDALL C. BUDGE/ TJ BUDGE, 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 Randall C. Budge, Racine Olson, PLLP Date 11/15/2023

Address 201 E. CENTER, POCA TELLO, IDAHO 83204

Name of claimant(s) FISH HAVEN PIPELINE CO INC. Claim ID _____

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON PLLP, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on its behalf.

DATED this 7 day of November, 2023.

FISH HAVEN PIPELINE CO., INC.

By: Henry Howell
Name: Henry Howell
Title: President

STATE OF IDAHO)
 :ss
County of Bear Lake)

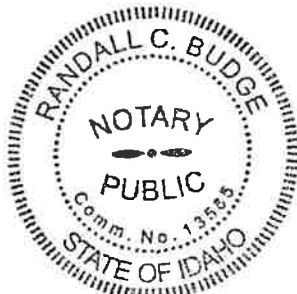
On this 7th day of November, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY HOWELL, known or identified to me to be the President of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

at: Fish Haven, Idaho

Randall C. Budge
NOTARY PUBLIC FOR IDAHO
Residing Pocatello, Idaho

Commission expires: 10/11/2024





Department of State.

CERTIFICATE OF INCORPORATION

I, **IRA H. MASTERS**, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the original of the articles of incorporation of

FISH HAVEN PIPE LINE COMPANY INC.

was filed in the office of the Secretary of State on the **Twenty-ninth** day of **July** A. D. One Thousand Nine Hundred **Thirty-seven** and duly recorded in Book A- **51** of Record of Domestic Corporations, of the State of Idaho, and that the said articles contain the statement of facts required by Section 29-103, Idaho Code, Annotated.

I FURTHER CERTIFY, That the persons executing the articles and their associates and successors are hereby constituted a corporation, by the name hereinbefore stated, for **existence** of **fifty (50) years** from the date hereof, with its registered office in this State located at **Fish Haven** in the County of **Bear Lake**.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this **29th** day of **July**, in the year of our Lord one thousand nine hundred **Thirty-seven**, and of the Independence of the United States of America the One Hundred **Sixty-second**.

Secretary of State.

:- ARTICLES OF INCORPORATION:-
OF THE
FISH HAVEN PIPE LINE COMPANY Inc.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, all of whom are bona fide citizens and residents of the state of Idaho, have this day voluntarily associated ourselves together for the purpose of forming a corporation pursuant to and under the laws of the state of Idaho,

And we hereby certify in writing:-

-: ARTICLE I :-

That the name of said corporation shall be "FISH HAVEN PIPE LINE COMPANY inc."

-: ARTICLE II :-

That the purposes for which said corporation is formed are:-

(a) To impound, store and divert the waters of Fish Haven creek, a stream located in Bear Lake county, state of Idaho, and to divert the same for the use of the stockholders of this corporation for domestic, culinary, resort and farming purposes and for any other purpose or purposes for which water may be lawfully used.

(b) To purchase, take or lease, hire or otherwise acquire any real or personal property, water, water rights, rights or privileges suitable or convenient for any purpose of its business, and to erect, construct, make and improve storage tanks, reservoirs, dams, ditches, water pipe lines, buildings and works of all kinds, in so far as the same may be appurtenant to or useful for the conduct of the business herein specified.

(c) To contract for the erection, supply, repair and maintenance of any plant, storage tanks, reservoirs, water pipe lines and conduits for the conveyance of water, and machinery of all kinds, and implements and accessories and all things useful in the conduct of its business.

(d) To raise or borrow money for any purpose of the Company, and to secure the same and interest by mortgage or pledge of its real and /or personal property.

FISH HAVEN PIPELINE CO INC.

9e) To do all such things as are incidental or conducive to the attainment of the foregoing objects.

--: ARTICLE III :-

That the location and post-office address of the registered office of said corporation in this state and where the principal business of said corporation is to be transacted is Fish Haven, in the county of Bear Lake, state of Idaho.

--: ARTICLE IV :-

That the term for which said corporation is to exist is fifty years.

--: ARTICLE V :-

That the total authorized number of par value shares of stock of said corporation shall be one hundred (100.00) Shares of the par value of eighty dollars (\$80.00) each or an aggregate par value of Eight Thousand Dollars (\$8000.00).

That all of the shares of stock of said corporation shall be common stock, and the shares of stock shall not be classified.

--: ARTICLE VI :-

That the names and post-office address of each of the incorporators of said corporation and the number of shares of stock subscribed by each are as follows:-

Names.	P. O. Address.	No. Shares Subscribed.
Charles C. Stock	Fish Haven, Idaho	6
JOSEPH P. STOCK	Fish Haven, Idaho	3
Charles C. Shirley	Fish Haven, Idaho	1
Charles Beyeler	Fish Haven, Idaho	1
Alfred Howell	Fish Haven, Idaho	1

--: ARTICLE VII :-

The amount of capital stock of said corporation which has been actually subscribed is \$5600.00 and the following are the names of the subscribers with the number and par value of shares subscribed for by each:-

<u>Names:-</u>	<u>No. Shares.</u>	<u>Par Value.</u>
Charles C. Stock	6	\$480
Joseph P. Stock	3	240
Glen J. Stock	1	80
DeVere C. Stock	1	80
Effie Stock	3	240
Stock Brothers Resort a partnership	15	1200
Ray C. Stock	1	80

FISH HAVEN PIPELINE CO INC.

Heber D. Stock	2	\$160
Reuben G. Stock	2	160
Frank Findlay	1	80
Mariner A. Browning	1	80
Dorothy B. Patterson	1	80
S. Blanche Browning	1	80
Gene B. Ellis	1	80
Telftha D. Ellis	1	80
Charles Beyeler	1	80
Fish Haven Ward of the Church of Jesus Christ of Latter Day Saints, a corporation	1	80
School District No. 1 of Bear Lake county, Idaho	1	80
Grant Findlay	1	80
Mrs William Shirley	1	80
Henry Shirley	1	80
Don Loveland	1	80
Alton Kearl	1	80
Arthur Shirley	1	80
Charles C. Shirley	1	80
Alfred Howell	1	80
Clarence Nelson	1	80
Eva Scofield	1	80
Ernest Howell	1	80
Elmer M. Smith	1	80
George Findlay	1	80
Henry E. Howell	1	80
Lester Nelson	2	160
Earl Pugmire	1	80
McKay Howell	1	80
B. M. Nelson	1	80
William J. Jensen	1	80
Clara V. Stock	1	80
Jesse L. Cottle	1	80
Frank Cottle	1	80
T. B. Budge	1	80
J. W. Hayward	1	80
D. C. Budge	1	80
Goff Stalder	1	80

-: ARTICLE VIII :-

That the officers of this corporation shall consist of a board of five directors, a president, secretary and treasurer.

To be qualified each officer must own in his own name and right upon the books of the company at least one share of the capital stock.

The directors shall be elected at the annual meeting of the stockholders, and the directors shall elect from among their number the president, the secretary and the treasurer. Until the first annual meeting of the stockholders and until their successors are elected and qualified the following named persons shall be directors and officers of the corporation, namely:-

Charles C. Stock, Joseph P. Stock, Charles C. Shirley. Charles Beyeler, and Alfred Howell; The said Charles C. Stock shall be president, the said Alfred Howell Secretary and the said Joseph P.

stock treasurer.

-: ARTICLE IX :-

This corporation is a non-profit corporation, being formed not for the purpose of making profit or gain of any kind, but is formed solely for the convenience of its stockholders in supplying them with water for domestic, culinary, resort and farming purposes, and for all other purposes for which ^{water,} may be lawfully used.

IN WITNESS WHEREOF, We have hereunto set our hands this 27th day of July 1937.

Charles C. Stock
Joseph P. Stock
Charles C. Shirley
Charles Beyeler
Alfred Howell

STATE OF IDAHO)
County of Bear Lake,) ss.

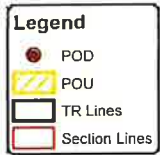
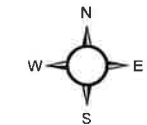
On this 27th day of July, in the year A. D. 1937, before me Emo Shepherd, a notary public, within and for said county and state personally appeared Charles C. Stock, Joseph P. Stock, Charles C. Shirley, Charles Beyeler and Alfred Howell, known to me to be the persons whose names are subscribed to the within and foregoing articles of incorporation, and severally duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

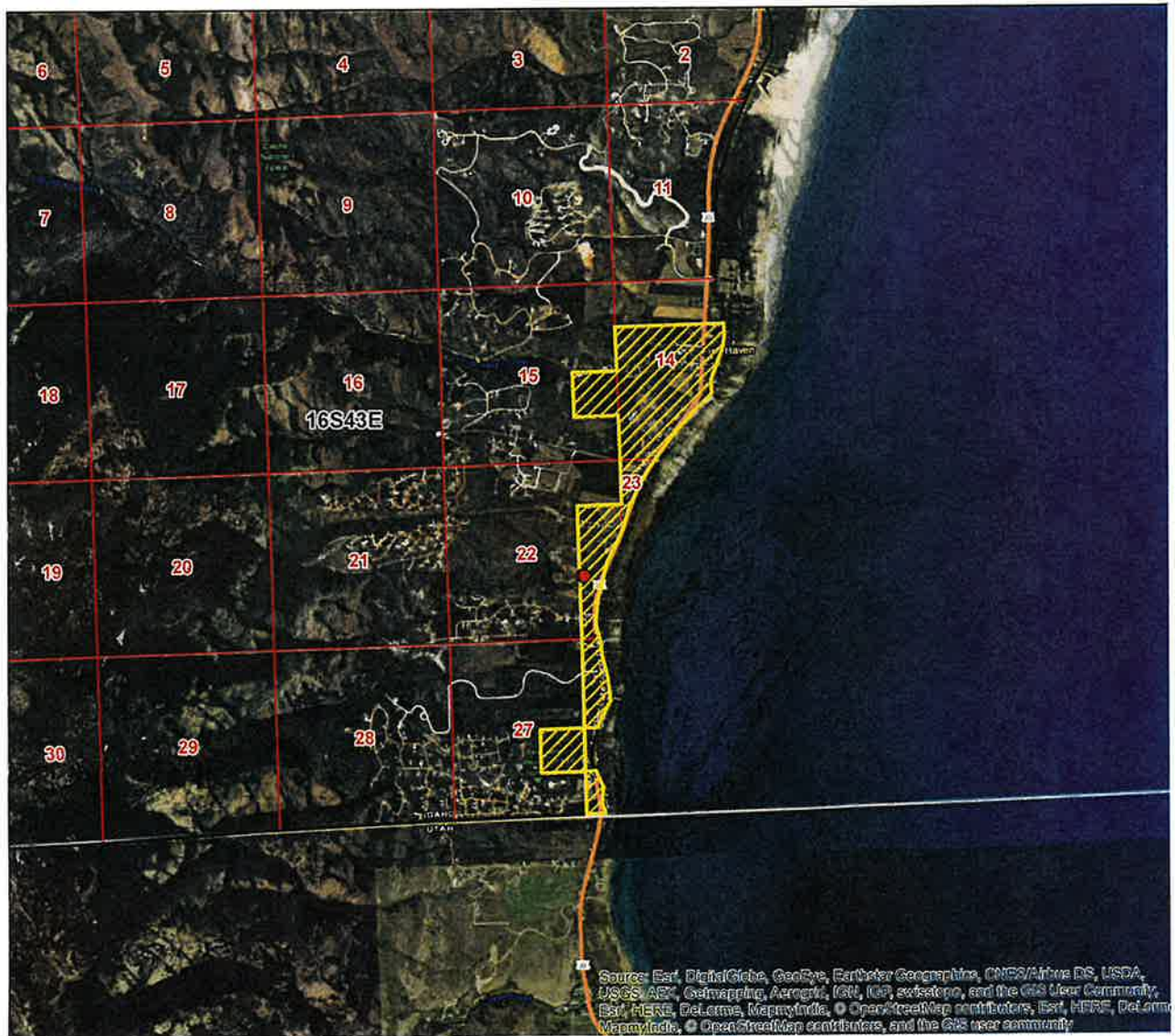
Emo Shepherd
Notary Public for Idaho
Residing at Paris, Idaho.
Expire Oct 12 1938

Emo Shepherd
Notary Public for Idaho
Residing at Paris, Idaho.

FISH HAVEN PIPELINE CO INC. - PLACE OF USE & POINT OF DIVERSION



40497



ATTACHMENT 13 - REMARKS

ALL WATER RIGHTS OF FISH HAVEN PIPELINE CO INC. HAVE THE SAME PLACE OF USE FOR DOMESTIC/ MUNICIPAL AND IRRIGATION PURPOSES ON PROPERTY OWNED BY SHAREHOLDERS. IRRIGATION IS LIMITED TO ONE-HALF ACRE FOR EACH HOME.

RIGHT NOS. 11-7847, 11-7829, 11-4713 HAVE THE SAME POD AND GROUND WATER SOURCE ON PROPERTY OWNED BY FISH HAVEN PIPELINE CO INC. PIPELINE DELIVERY SYSTEM IS LOCATED WITHIN PUBLIC HIGHWAY RIGHTS OF WAY OR UPON EASEMENTS OWNED BY FISH HAVEN PIPELINE CO INC.

FISH HAVEN WATER USERS' ASSOCIATION, INC OWNS WATER RIGHT NO. 11-4022. TRANSFER NO. 83767 AUTHORIZES A PORTION OF 11-4022 (2.31CFS / 130.4 AFA) TO BE USED TO SUPPLY MUNICIPAL WATER AND/OR TO MITIGATE FOR FUTURE DEVELOPMENT OF UP TO 100 NEW CONNECTIONS WITHIN FISH HAVEN PIPELINE CO INC.

Close

Water Right Report : 11-4270(Statutory Claim/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	FISH HAVEN PIPELINE CO INC	C/O HENRY HOWELL 265B HIGHWAY 89	FISH HAVEN	ID	83287-5022

Water Right Status

Priority Date : 9/1/1939
Basis : Statutory Claim
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
FISH HAVEN SPRING		FISH HAVEN CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
FISH HAVEN SPRING	16S	43E	16	0				SW NE BEAR LAKE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	4.00 CFS	
DOMESTIC	1/01	12/31	4.00 CFS	
TOTAL			4.00 CFS	

Places of Use

Printable View

Paged View

Place of Use Legal Description : IRRIGATION (BEAR LAKE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
16S	43E	14		SW	NE	2	
16S	43E	14		SW	NW	1	
16S	43E	14		SE	NW	2	
16S	43E	14		NE	SW	2	
16S	43E	14		NW	SW	1	
16S	43E	14		SW	SW	1	
16S	43E	14		SE	SW	2	
16S	43E	15		NE	SE	1	
16S	43E	22		SE	NE	1	
16S	43E	22		NE	SE	2	
16S	43E	22		SE	SE	2	
16S	43E	23		NW	NW	2	
16S	43E	27		NE	NE	2	
16S	43E	27		SE	NE	2	
16S	43E	27		NE	SE	1	
16S	43E	27		SE	SE	2	

Irrigation Totals

Total Acres Acre Limit

26.00

Conditions

Code

Conditions

CLAIM C/O CLARENCE NELSON, SEC.

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FISH HAVEN PIPELINE CO. INC.

1 of 2

11/1/2023, 4:25 PM

Dates

Licensed Date :
Decreed Date :
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal :
Water District Number : 11
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Combined Acre Limit :
Combined Volume Limit: 240.00
Combined Rate Limit:
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

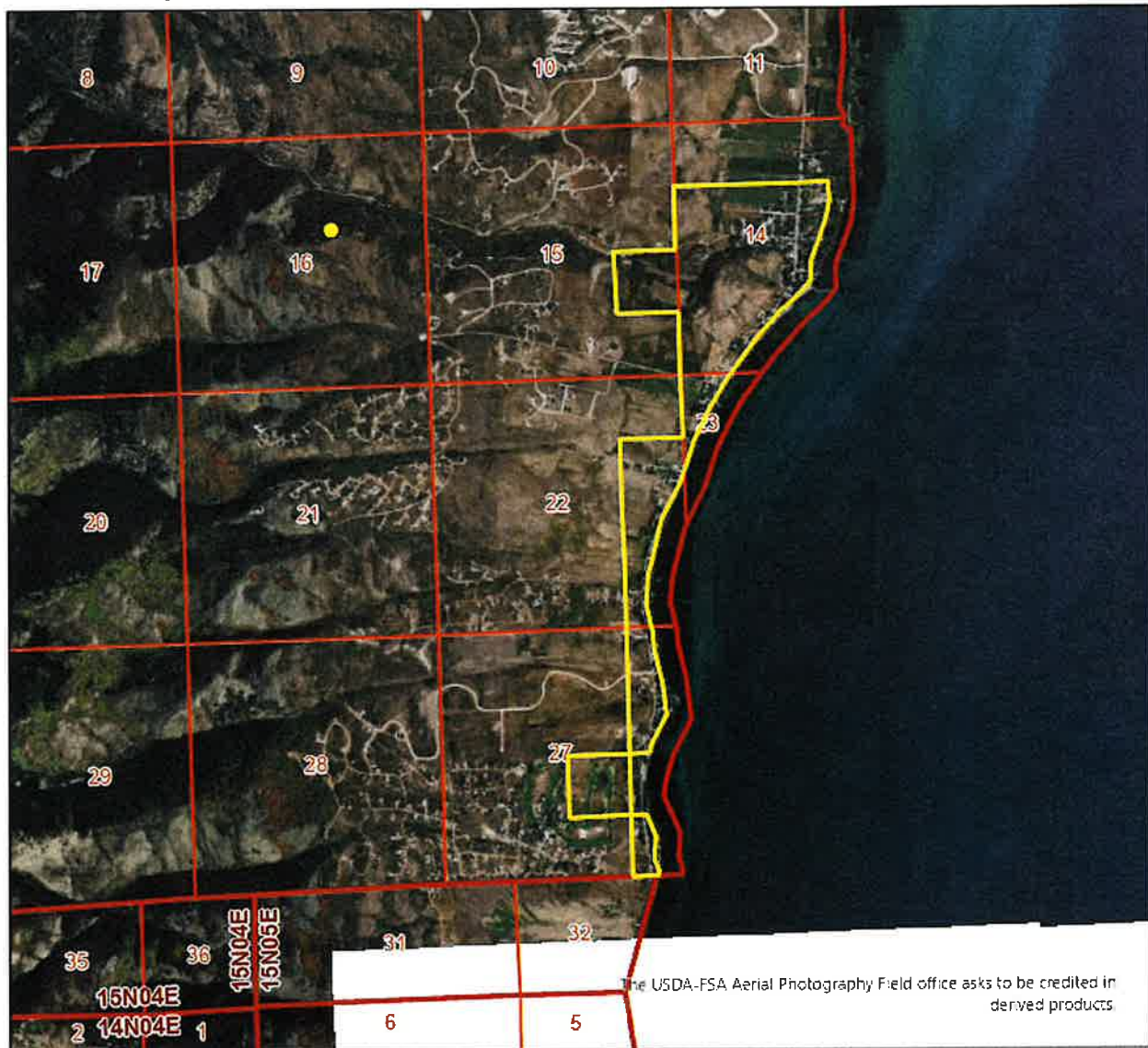
11/1/2023

State of Idaho
Department of Water Resources**Water Right**

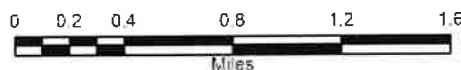
11-4270

IRRIGATION

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: 11/1/2023

**Legend**

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



FISH HAVEN PIPELINE CO. INC.



November 16, 2023

Idaho Dept. of Water Resources
325 East 600 South, Ste 300
Preston, Idaho 83263-4921
marion.beck@idwr.idaho.gov

Sent via Email & U.S. Mail

**Re: Fish Haven Pipeline Co Inc.
Notices of Claims to Water Rights – 11-4270, 11-7413, 11-7829, and 11-7847
Bear River Basin Adjudication**

RECEIVED
NOV 20 2023
IDWR/Preston

To whom it may concern:

Enclosed for filing please find the originals of four Notices of Claims to Water Rights on behalf of the Fish Haven Pipeline Company, together with a check in the amount of \$801.00 for the filing fees, broken down as follows:

Claim 11-4270: \$50 flat fee + (\$100 per cfs x 4 cfs claimed for domestic use = \$400) + (\$1.00 per acre x 26 acres = \$26.00) = \$476.00

Claim 11-7413: \$50 flat fee + \$100 per cfs x .24 cfs claimed for domestic use = \$74.00

Claim 11-7829: \$50 flat fee + \$100 per cfs x .37 cfs claimed for domestic use = \$87.00

Claim 11-7847: \$50 flat fee + \$100 per cfs x 1.14 cfs claimed for domestic use = \$164.00

Total: \$801.00

Please file the originals and email the claim numbers assigned to tessa@racineolson. Thank you for your assistance. Please contact us if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Tessa Sparrow'.

TESSA SPARROW
Paralegal

Enclosure

c: Fish Haven Pipeline Company