

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

RECEIVED

NOV 20 2023

CIVIL CASE NUMBER: 79576

Claim ID: 11-7413

Date Received: 11/20/23

Receipt No: 7000598

Claim Fee: 74.00 By: mB

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) JUNE 20, 1994 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____
- a. Location of point of diversion is: Township 16 S, Range 43 E, Section 22,
NE 1/4 of SE 1/4, Govt. Lot _____, BM, County of BEAR LAKE
Parcel no. RP16S43E227550 (05891.02)
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.

40 HP ELCTRIC MOTOR AND CENTRIFUGAL PUMP; WELL 8' WIDTH, 380' DEPTH

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 0.24 or 240

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.24 (cfs) and/or (b) 240 (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:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	15		D	D		D		D	D	D	D	D	D		D			
16s	43E	15			D	D				D					D	D			
16s	43E	22	D			D									D			D	
16s	43E	23						D	D										
16s	43E	27	D			D									D	D	D	D	

Parcel no(s) NA Total number of acres irrigated NA

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, 11-4270 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 THE LICENSE.~~

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

LIST OF ATTACHMENTS:

1. POU MAP

~~2. POD MAP~~

3. ATTACHMENT 13

4. IDWR WR REPORT FOR 11-7413

~~5. IDWR WR MAP FOR 11-7413~~

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 11-7413

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: 5

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:**

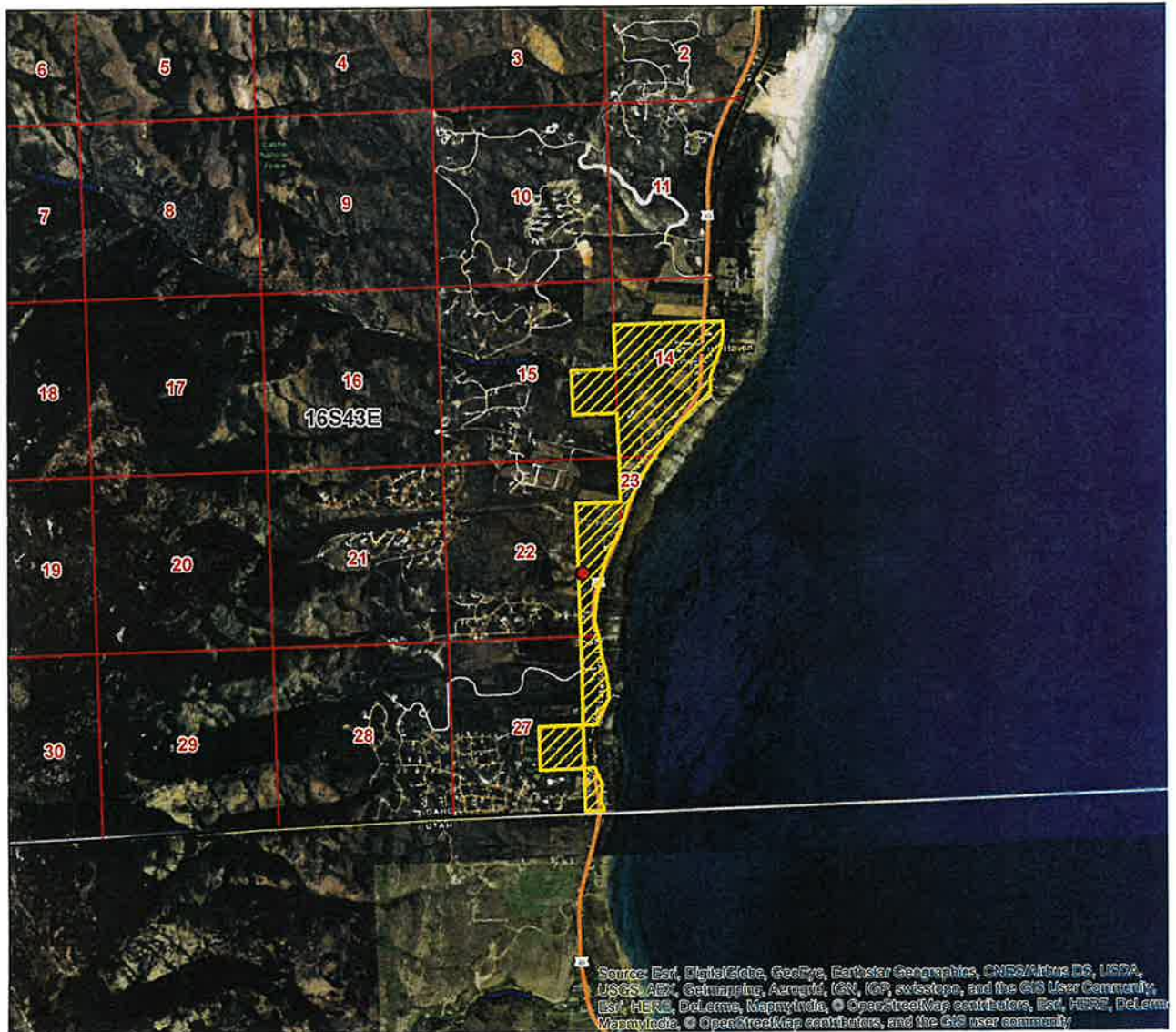
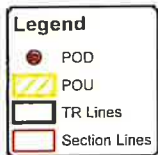
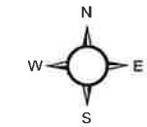
Notice is hereby given that I, (please print) RANDALL C. BUDGE/ TJ BUDGE, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

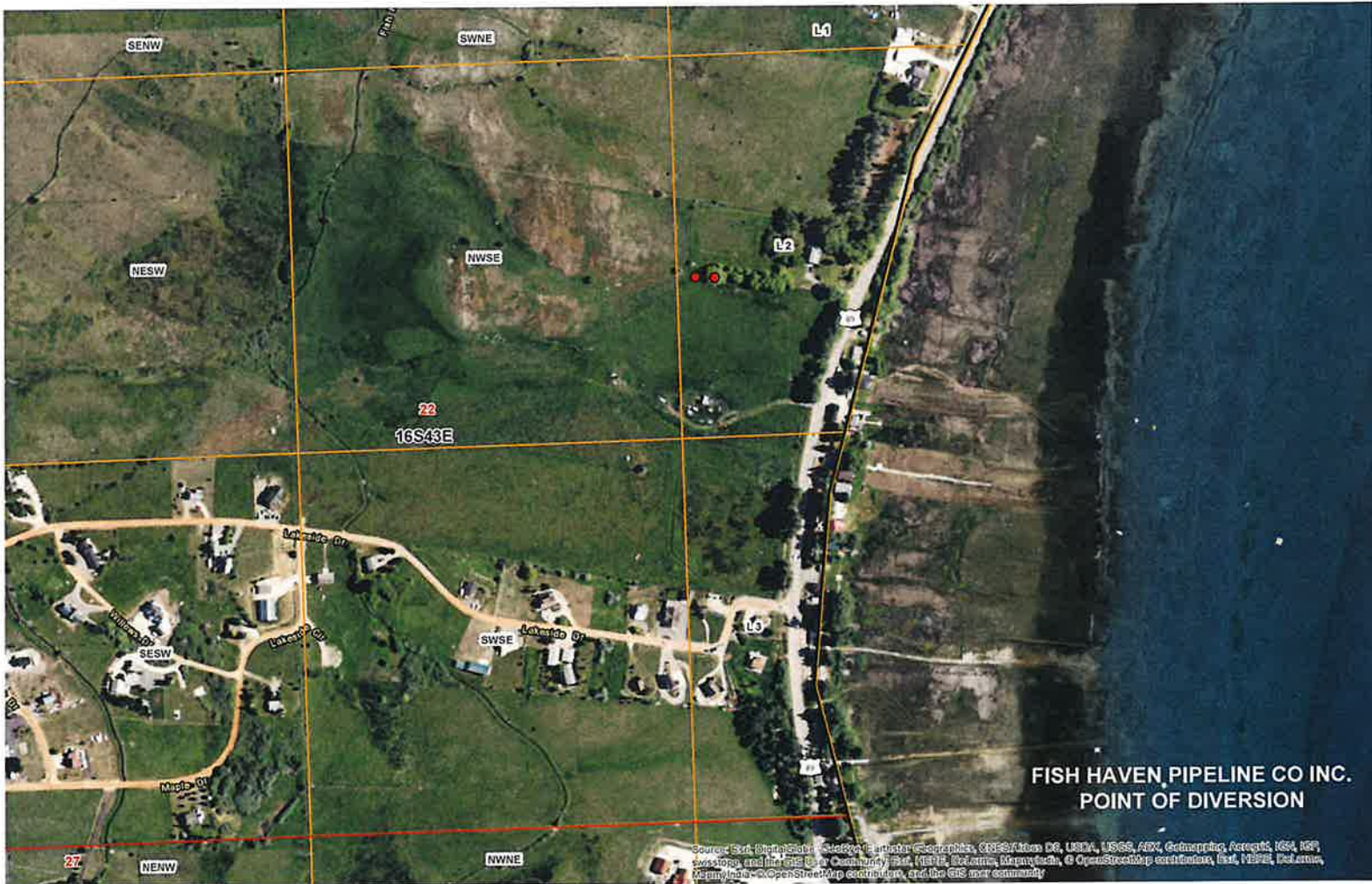
Signature Randall C. Budge - Attorney / POA Date 11/15/2023

Address 201 E. CENTER, POCATELLO, IDAHO 83204

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

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





FISH HAVEN, PIPELINE CO INC.
POINT OF DIVERSION

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, SRT, Swisstopo, and the GIS Data Community. Map data by OpenStreetMap contributors, and the GIS user community.

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 : 11-7413(License/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	FISH HAVEN PIPELINE CO INC	C/O HENRY HOWELL 2658 HIGHWAY 89	FISH HAVEN	ID	83287-5022

Water Right Status

Priority Date : 6/20/1994
Basis : License
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQ	QQ	Q	County	Diversion Type
GROUND WATER	16S	43E	22	2		NE	SE	BEAR LAKE	
GROUND WATER	16S	43E	22	2		NE	SE	BEAR LAKE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	01/01	12/31	0.24 CFS	240.00 AFA
TOTAL			0.24 CFS	240.00 CFS

Places of Use

Printable View

Paged View

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

Township	Range	Section	Lot	QQ	QQ	Q	Acres
16S	43E	14	1		NW	NE	
16S	43E	14	2		SW	NE	
16S	43E	14	1		NE	NW	
16S	43E	14			SW	NW	
16S	43E	14	2		SE	NW	
16S	43E	14	3		NE	SW	
16S	43E	14			NW	SW	
16S	43E	14	4		SW	SW	
16S	43E	14	4		SE	SW	
16S	43E	14	3		NW	SE	
16S	43E	15			SW	NE	
16S	43E	15			SE	NE	
16S	43E	15			SE	NW	
16S	43E	15			NE	SE	
16S	43E	15			NW	SE	
16S	43E	22			NE	NE	
16S	43E	22	1		SE	NE	
16S	43E	22	2		NE	SE	
16S	43E	22	3		SE	SE	
16S	43E	23	1		NW	NW	
16S	43E	23	1		SW	NW	
16S	43E	27	1		NE	NE	
16S	43E	27	2		SE	NE	
16S	43E	27	3		NE	SE	

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FISH HAVEN PIPELINE CO INC.

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
16S	43E	27	3		NW	SE	
16S	43E	27	4		SW	SE	
16S	43E	27	4		SE	SE	

Conditions

Code Conditions

- X35 Rights 11-4270 and 11-7413 when combined shall not exceed a total annual maximum diversion volume of 240 acre-feet.
- X01 Domestic use is for 200 homes.
- 071 The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
- 070 The irrigation occurring under this domestic use shall not exceed 1/2 acre within each 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.

Dates

Licensed Date : 8/30/2016
Decreed Date :
Permit Proof Due Date : 9/1/1999
Permit Proof Made Date : 8/23/1999
Permit Approved Date : 8/29/1994
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date: 6/20/1994
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

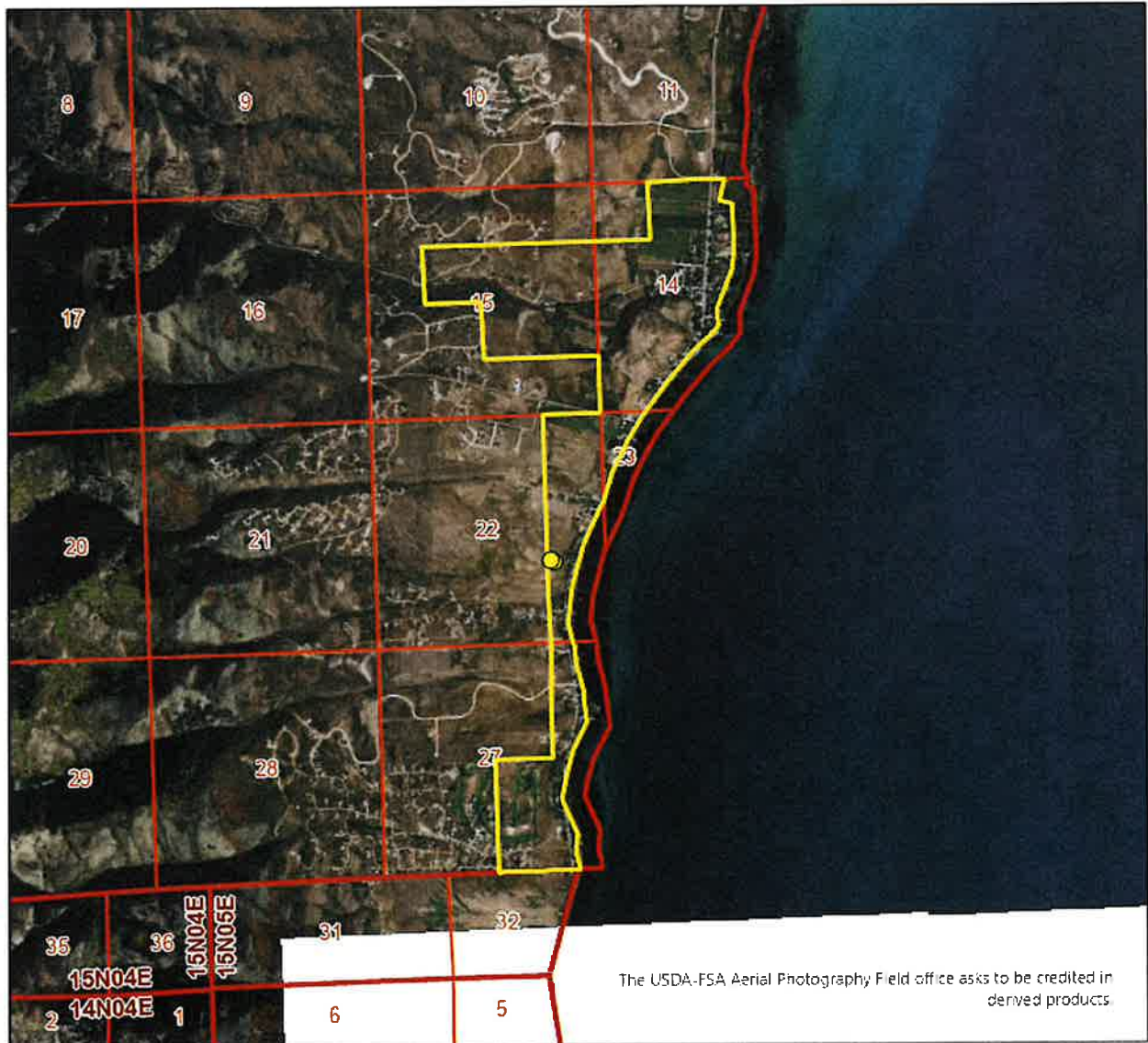
State of Idaho
Department of Water Resources

Water Right

11-7413

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: 11/1/2023



Legend

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



FISH HAVEN PIPELINE CO INC.

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)

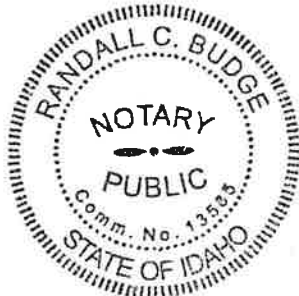
On this 7th day of November, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY HOWELL, known or identified to me to be the President of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged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





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

RECEIVED

NOV 20 2023

IDWR/Preston

**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**

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,

TESSA SPARROW
Paralegal

Enclosure

c: Fish Haven Pipeline Company