

**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: 11-7829

Date Received: 11/20/23

Receipt No: P000598

Claim Fee: 87.00 By: MB

RECEIVED

NOV 20 2023

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

IDWR/Preston

Please type or print clearly

1. 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
2. Date of priority: (Only one per claim) APRIL 24, 2017 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____
4. 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 _____
5. 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 0.37 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.37 (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	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, 11-7413, 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 11-7829

5. IDWR WR MAP FOR 11-7829

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 11-7829

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 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, POCATELLO, IDAHO 83204, randy@racineolson.com tj@racineolson.com

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)

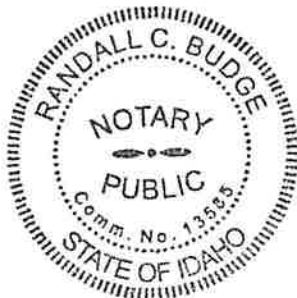
On this 7th day of November, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY HOWELL, known or identified to me to be the President of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged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



HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/BRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

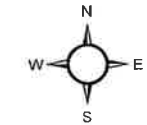
After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

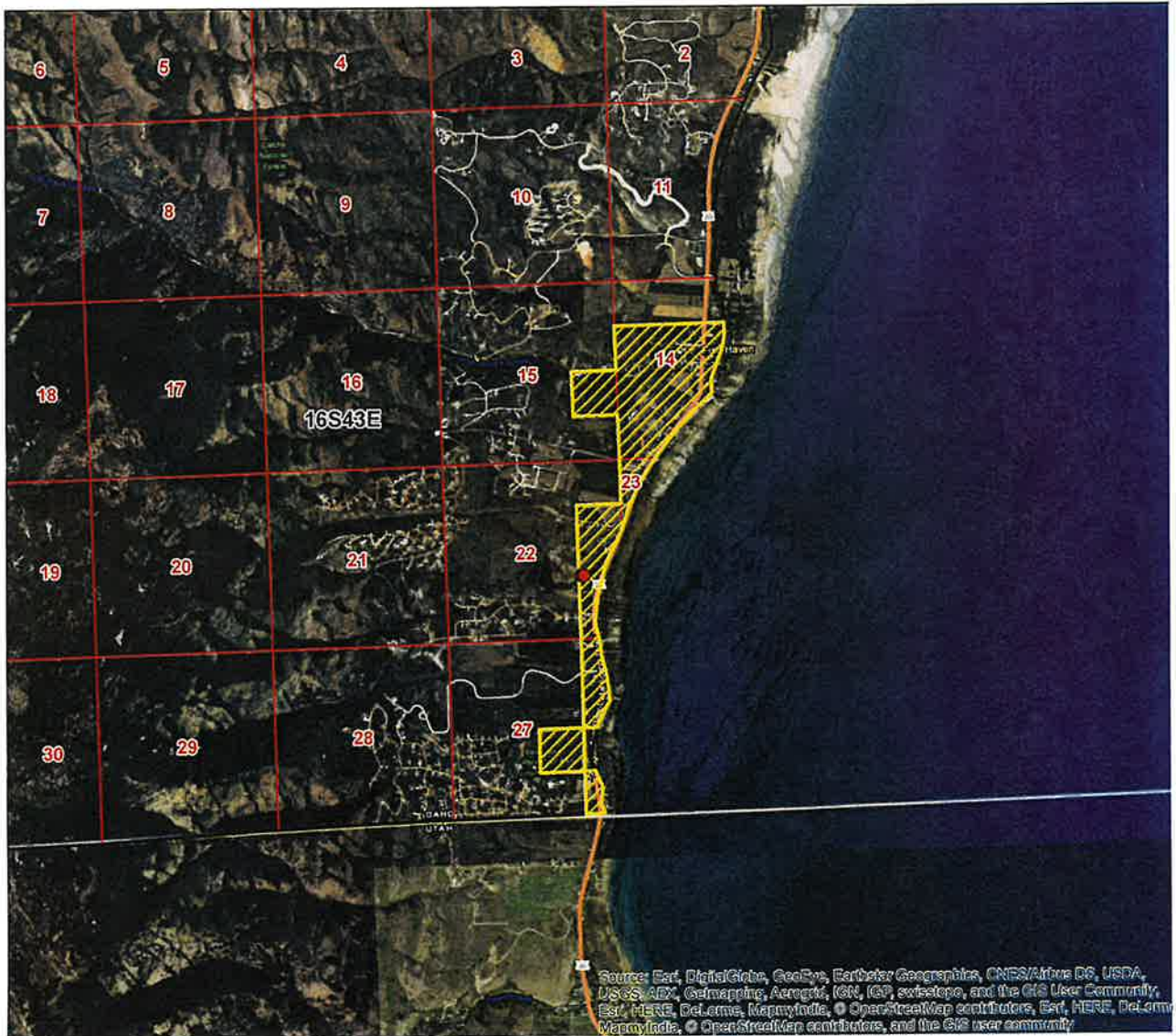
If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

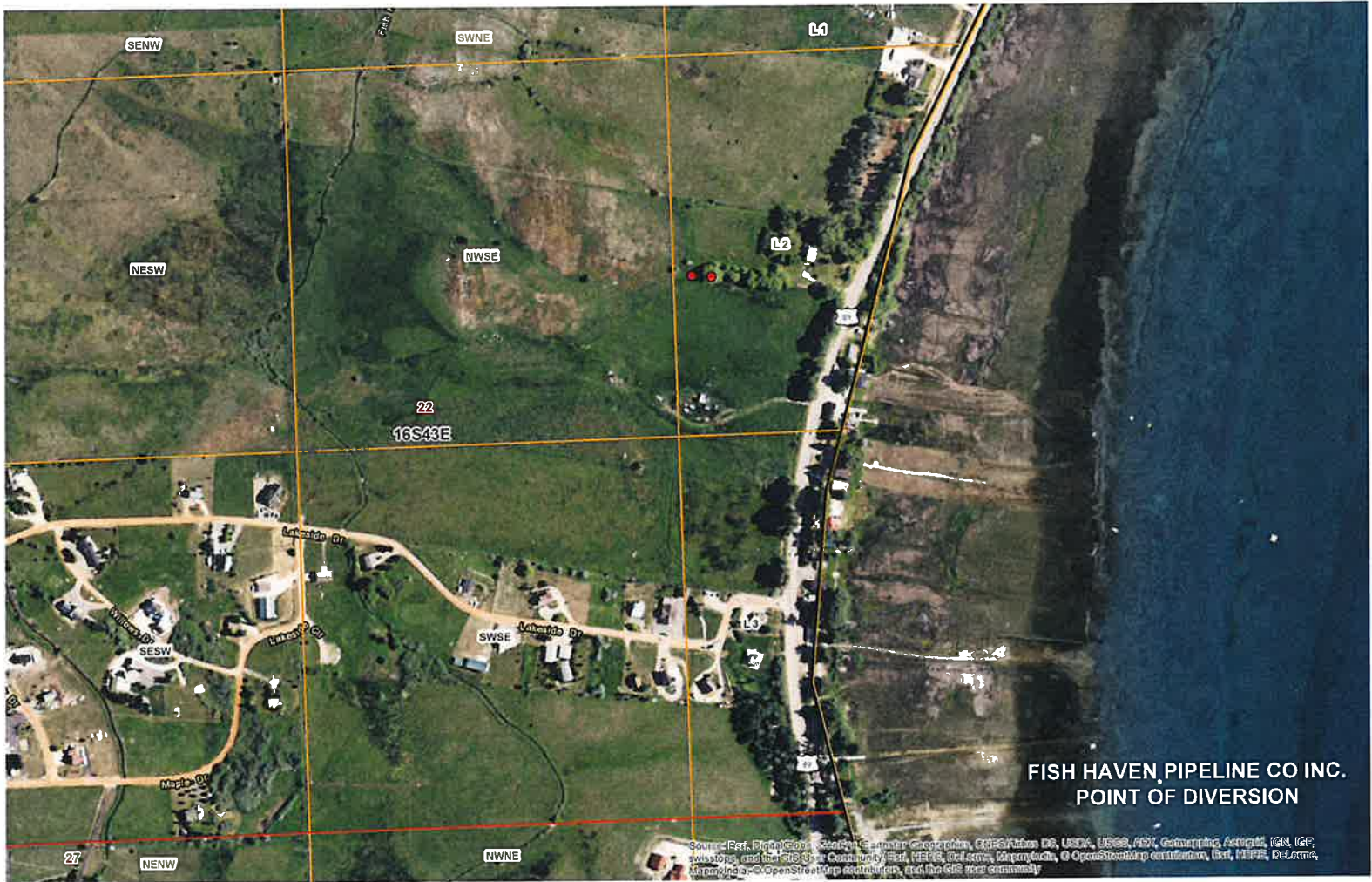
If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

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



40497





FISH HAVEN PIPELINE CO INC.
POINT OF DIVERSION

Source Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Air Force, USDA, USDA, AeroGRID, IGN, IGP, swisstopo, 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 : 11-7829(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
Representative	BUDGE, RANDALL C	PO BOX 1391	POCATELLO	ID	83204-1391

Water Right Status

Priority Date : 4/24/2017

Basis : License

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

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

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	01/01	12/31	0.37 CFS	146.00 AFA
TOTAL			0.37 CFS	146.00 CFS

Places of Use

Printable View

Paged View

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

Township	Range	Section	Lot	QQQ	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.

1 of 2

11/1/2023, 4:26 PM

Township	Range	Section	Lot	QQ	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, 11-7413 and 11-7829 when combined shall not exceed a total annual maximum diversion volume of 240 acre-feet.
This right is supplemental to water rights 11-4270 and 11-7413. This right shall only be diverted when water rights 11-4270 and 11-7413 are unavailable or not sufficient to supply water to 200 homes.
- X01 Domestic use is for 200 homes. Rights 11-4270, 11-7413 and 11-7829 when combined are for domestic use 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 per home.
- R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 004 This right does not grant any right-of-way or easement across the land of another.

Dates

Licensed Date : 9/25/2023
 Deceed Date :
 Permit Proof Due Date : 8/1/2022
 Permit Proof Made Date : 7/22/2022
 Permit Approved Date : 7/31/2017
 Permit Moratorium Expiration Date :
 Enlargment Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date: 4/24/2017
 Protest Deadline Date: 6/5/2017

Other Information

State or Federal :
 Water District Number : EXC
 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

FISH HAVEN PIPELINE CO INC.

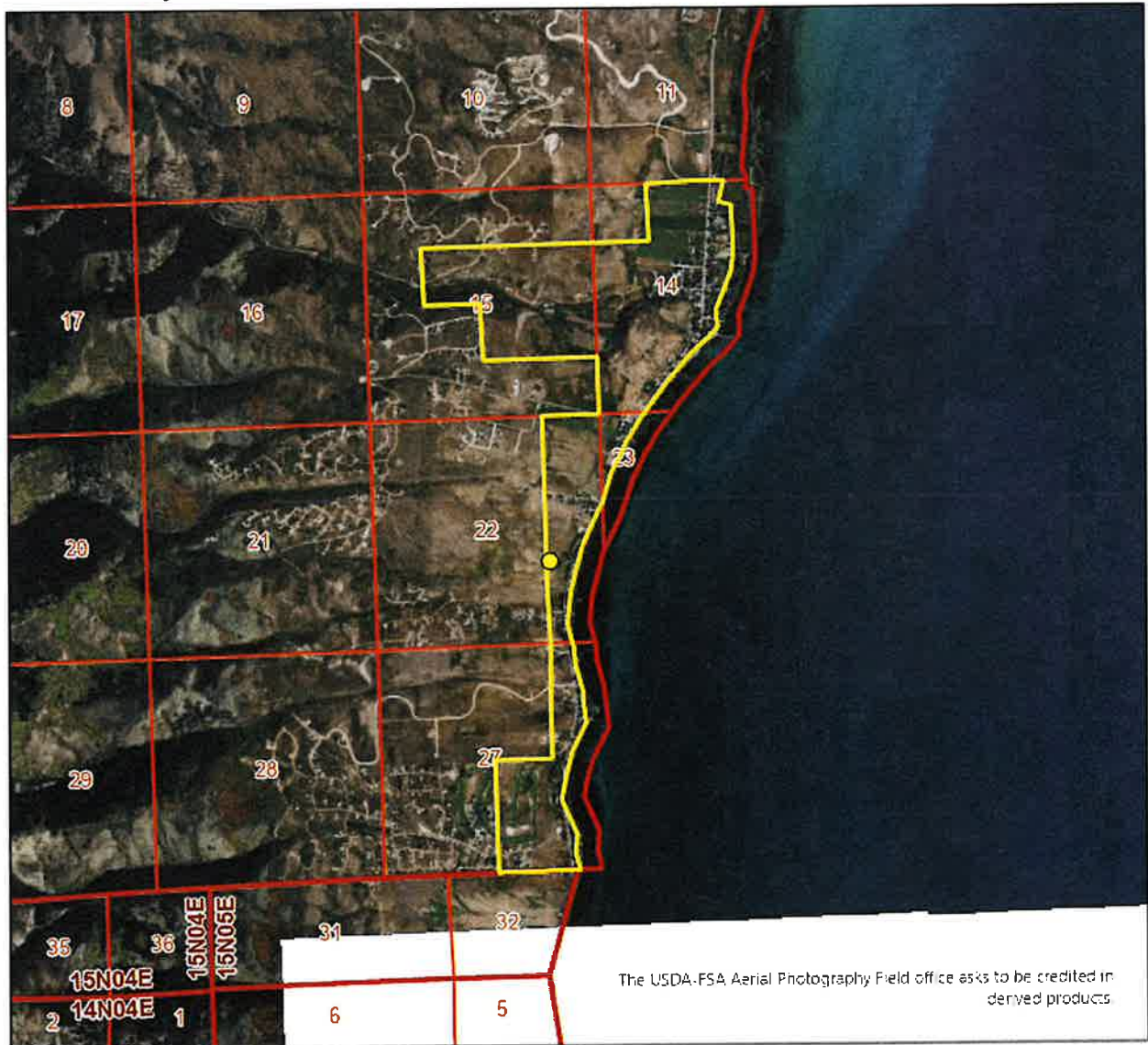
State of Idaho
Department of Water Resources

Water Right

11-7829

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.



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