

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: 11-4022
Date Received: 12/12/23
Receipt No: P000677
Claim Fee: \$180.00 By: mg

RECEIVED

DEC 12 2023

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) The Fish Haven Water Users Company Phone (208) 540-0531
Mailing address PO Box 25, Laketown, Utah Zip 84038
Street or Box City State
Email address (optional) bsfarms2000@aol.com
2. Date of priority: (Only one per claim) May 18, 1871 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Fish Haven Creek and Spring
which is tributary to (b) Bear Lake
4. a. Location of point of diversion is: Township 16S, Range 43E, Section 16,
NW 1/4 of NE 1/4, Govt. Lot _____, BM, County of Bear Lake
Parcel no. State property - no parcel number, 05858.04, 05866.00, and 05791.00
Additional points of diversion, if any: SENE of Section 16, NWSE and NESE of Section 15, NWSW of Section 14, T16S, R43E
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.
Six diversion structures on Fish Haven Creek into ditch system and pipelines to places of use
for irrigation within the boundary of Fish Haven Water Users Company. System also includes
overflow from collection box and pipeline of Fish Haven Pipeline Company from unnamed
spring to delivery system.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 04/15 to 10/31 amount 27.65 or 110.00

For Municipal purposes from 04/15 to 10/31 amount 1.95 or 130.40

For Municipal purposes from 04/15 to 10/31 amount 2.31 or 130.40

For Mitigation purposes from 04/15 to 10/31 amount 4.51 or 130.40

For Mitigation purposes from 04/15 to 10/31 amount 2.31 or 130.40

7. Total quantity claimed (a) 29.6 (cfs) and/or (b) 130.40 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Municipal and Mitigation (See attached remarks.)

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	

See attached Supplemental Sheet - Large POU

2,279 acre service area,
irrigate 1,022 acres
within that service area

Parcel no(s) N/A

Total number of acres irrigated 1,022

10. In which county(ies) are lands listed above as place of use located? Bear Lake County

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.
_____ or None (☒)

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

This claim is based on statutory claim water right no. 11-4022.

Property at the place of use is owned by current or future owners of shareholders of Fish Haven Water Users Company.

List of Attachments to Claim Form:

1. IDWR Water Right Report of 11-4022

2. IDWR Maps of 11-4022

3. Transfer Approval Notice 83767

4. Current irrigation service area POU & POD Map

5. Current mitigation POU & POD Map

6. Current municipal POU & POD Map

Name of claimant(s) The Fish Haven Water Users Company

Claim ID _____

SUPPLEMENTAL SHEET
NOTICE OF CLAIM TO A WATER RIGHT

9. Description of place of use:

D = Municipal

M = Mitigation

- 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.

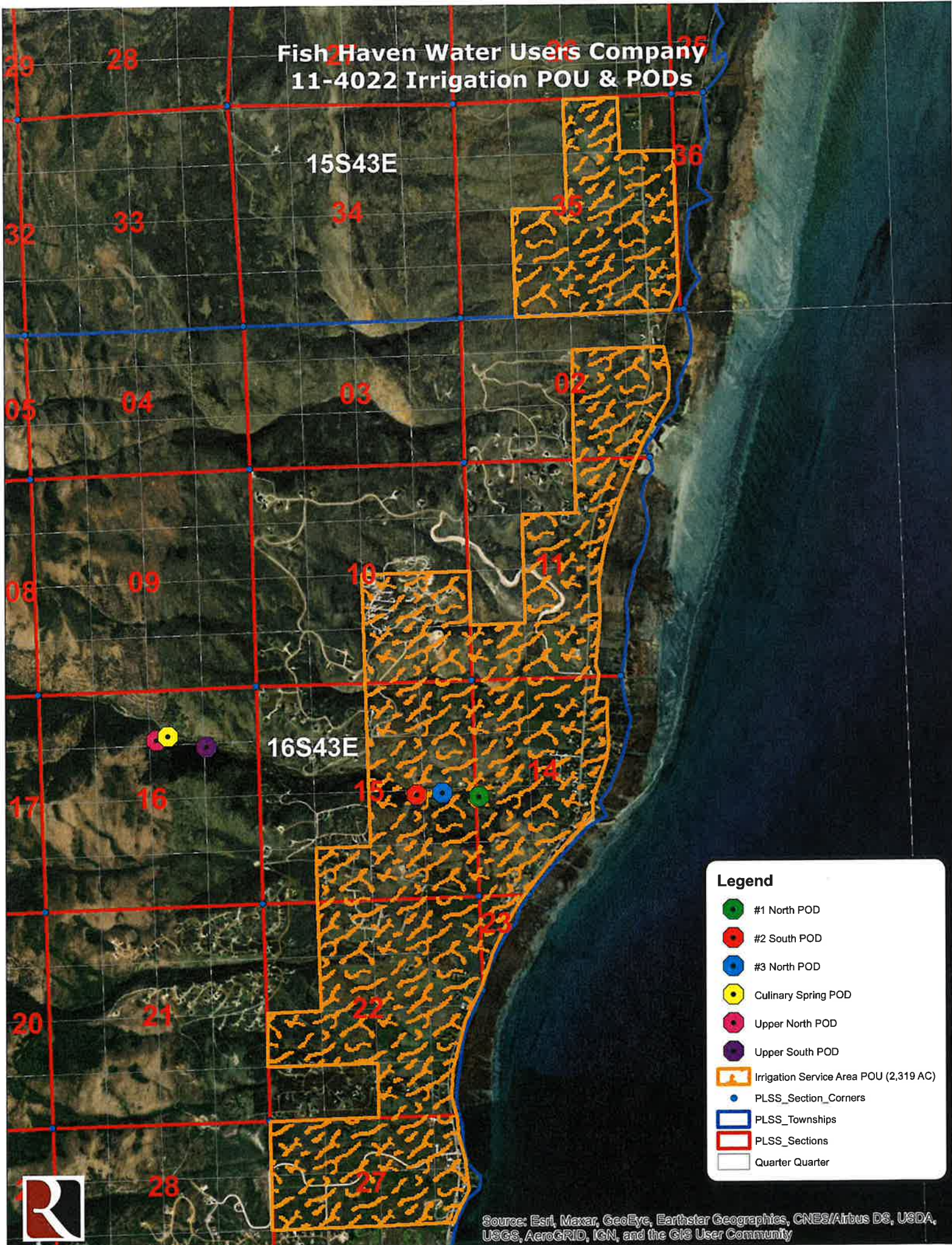
[illegible]

Parcel No(s). N/A

Total number of acres irrigated 2,319 acre service area,
irrigate 1,022 acres within
that service area

Name of claimant(s) The Fish Haven Water Users Company Claim ID _____

Fish Haven Water Users Company 11-4022 Irrigation POU & PODs



Legend

- #1 North POD
- #2 South POD
- #3 North POD
- Culinary Spring POD
- Upper North POD
- Upper South POD
- Irrigation Service Area POU (2,319 AC)
- PLSS_Section_Corners
- PLSS_Townships
- PLSS_Sections
- Quarter Quarter



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Fish Haven Water Users Company
11-4022 Mitigation POU & PODs

09 10 11 14 15 16 21 22 23 27 28

16S43E

Legend

- #1 North POD
- #2 South POD
- #3 North POD
- Culinary Spring POD
- Upper North POD
- Upper South POD
- Mitigation POU
- PLSS_Section_Corners
- PLSS_Townships
- PLSS_Sections
- Quarter Quarter

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

-  #1 North POD
-  #2 South POD
-  #3 North POD
-  Culinary Spring POD
-  Upper North POD
-  Upper South POD
-  Mitigation POU
-  PLSS_Section_Corners
-  PLSS_Townships
-  PLSS_Sections
-  Quarter Quarter

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Fish Haven Water Users Company 11-4022 Municipal POU & PODs

16S43E

Legend

-  #1 North POD
-  #2 South POD
-  #3 North POD
-  Culinary Spring POD
-  Upper North POD
-  Upper South POD
-  Municipal POU
-  PLSS_Section_Corners
-  PLSS_Townships
-  PLSS_Sections
-  Quarter Quarter

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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 11-4022

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

Attorney _____ of The Fish Haven Water Users Company
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 11/30/2023

Printed Name of Authorized Agent Randall C. Budge - POA (see attached)

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Randall C Budge & T.J. Budge, Attorneys, 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 11/30/2023

Address PO Box 1391, Pocatello, Idaho 83204-1391, tj@racineolson.com

Name of claimant(s) The Fish Haven Water Users Company 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 20th day of November, 2023.

FISH HAVEN WATER USERS COMPANY

By: William D. Stock
Name: William D. Stock
Title: President

STATE OF IDAHO)
 :SS
County of Bear Lake)

On this 20th day of November, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM D. STOCK, known or identified to me to be the President of Fish Haven Water Users 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.



Jannelle Jensen
NOTARY PUBLIC FOR IDAHO
Commission expires: 11/04/2026

Close

Water Right Report : 11-4022(Statutory Claim/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	FISH HAVEN WATER USERS CO	1917 HIGHWAY 89	FISH HAVEN	ID	83287-5127
Representative	BUDGE, RANDALL C	PO BOX 1391	POCATELLO	ID	83204-1391

Water Right Status

Priority Date : 5/18/1871

Basis : Statutory Claim

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
FISH HAVEN CREEK		BEAR LAKE	
SPRING		FISH HAVEN CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
FISH HAVEN CREEK	16S	43E	14	0			NW SW	BEAR LAKE	
FISH HAVEN CREEK	16S	43E	15	0	NW	NE	SE	BEAR LAKE	
FISH HAVEN CREEK	16S	43E	15	0	NE	NW	SE	BEAR LAKE	
FISH HAVEN CREEK	16S	43E	16	0	SW	NW	NE	BEAR LAKE	
SPRING	16S	43E	16	0	SW	NW	NE	BEAR LAKE	
FISH HAVEN CREEK	16S	43E	16	0	NW	SE	NE	BEAR LAKE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	27.65 CFS	
MUNICIPAL	04/15	10/31	1.95 CFS	110.00 AFA
MUNICIPAL	04/15	10/31	2.31 CFS	130.40 AFA
MITIGATION	04/15	10/31	4.51 CFS	
MITIGATION	04/15	10/31	2.31 CFS	130.40 AFA
TOTAL			29.60 CFS	

Places of Use

Printable View

Paged View

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

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
16S	43E	14	1			NW NE	
16S	43E	14	3			NW SE	

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

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
16S	43E	14	3			NW SE	

Irrigation Totals

Total Acres Acre Limit

539.40

Conditions

Code Conditions

Transfers 72318 and 79903 authorize a portion of water right 11-4022 for mitigation use in the maximum amount of 4.51 cfs and 184.7 irrigated acres. Irrigation use under this right will be reduced proportionately to the mitigation use associated with the domestic and commercial uses of Permits 11-7481, 11-7491 and 11-7796 during the development period of the Permits. The official record for this water right will be changed upon determination of the extent of beneficial use developed and subsequently licensed under Permits 11-7481, 11-7491, and 11-7796 to show the specific rate and acres permanently removed from irrigation use that will be dedicated solely to mitigation use.

Mitigation use under this right for water rights 11-7481, 11-7491 and 11-7796 is subject to the continued adherence to the provisions of the water management and operation plan required under those water rights.

Transfer 83767 authorizes a portion of this water right (2.31 cfs, 130.4 afa) to be used to supply municipal water and/or mitigate for future development of up to 100 connections within the Fish Haven Pipeline Company system. Irrigation use under this right will be reduced proportionately to the municipal/mitigation use developed within the Fish Haven Pipeline Company system. The record for this water right will be changed to show the specific rate and acres permanently removed from irrigation use at the time the Department conducts a licensing review for Permit 11-7847.

Water associated with the mitigation use will continue to be diverted into the Fish Haven Water Users Company's delivery system, however the portion identified for mitigation purposes shall be conveyed to Bear Lake, and irrigation use under this right shall be proportionately reduced.

- X27 This right is limited to the irrigation of 1,132 acres within the authorized place of use in a single irrigation season. The total number of irrigated acres will be reduced in proportion to the development occurring under Permits 11-7481, 11-7491, 11-7796 and 11-7847.
- 128 Municipal place of use is within the area served by the public water supply system of Fish Haven Pipeline Company and is generally located within Sections 14, 15, 22, 23 and 27, T16S, R43E.
- 129 Irrigation place of use is within the area served by Fish Haven Water Users Company.
- 172 The boundaries encompassing the irrigation and municipal places of use for this water right are described with digital boundaries as authorized by Idaho law. The data comprising the digital boundaries are stored in the electronic document management system of the Department and are incorporated into this approval by this reference.
- 180 A map generally depicting the municipal and irrigation service areas for this water right at the time of this approval is attached to this document for illustrative purposes.
- R05 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. 11.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
- R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands served by Fish Haven Water Users Company.
- T20 Approval of this transfer does not confirm the validity of this water right.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 :
 IDAHO DEPARTMENT OF WATER RESOURCES

Other Information

State or Federal :
 Water District Number : 11
 Generic Max Rate Per Acre : 0.02
 Generic Max Volume Per Acre : 3.5
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust : N
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

4/17/2023

State of Idaho
Department of Water Resources
Water Right

11-4022

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.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



Date created: 4/17/2023



Legend

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



The Fish Haven Water Users Company

State of Idaho
Department of Water Resources

Water Right

11-4022

MITIGATION

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: 4/17/2023



Legend

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



The Fish Haven Water Users Company

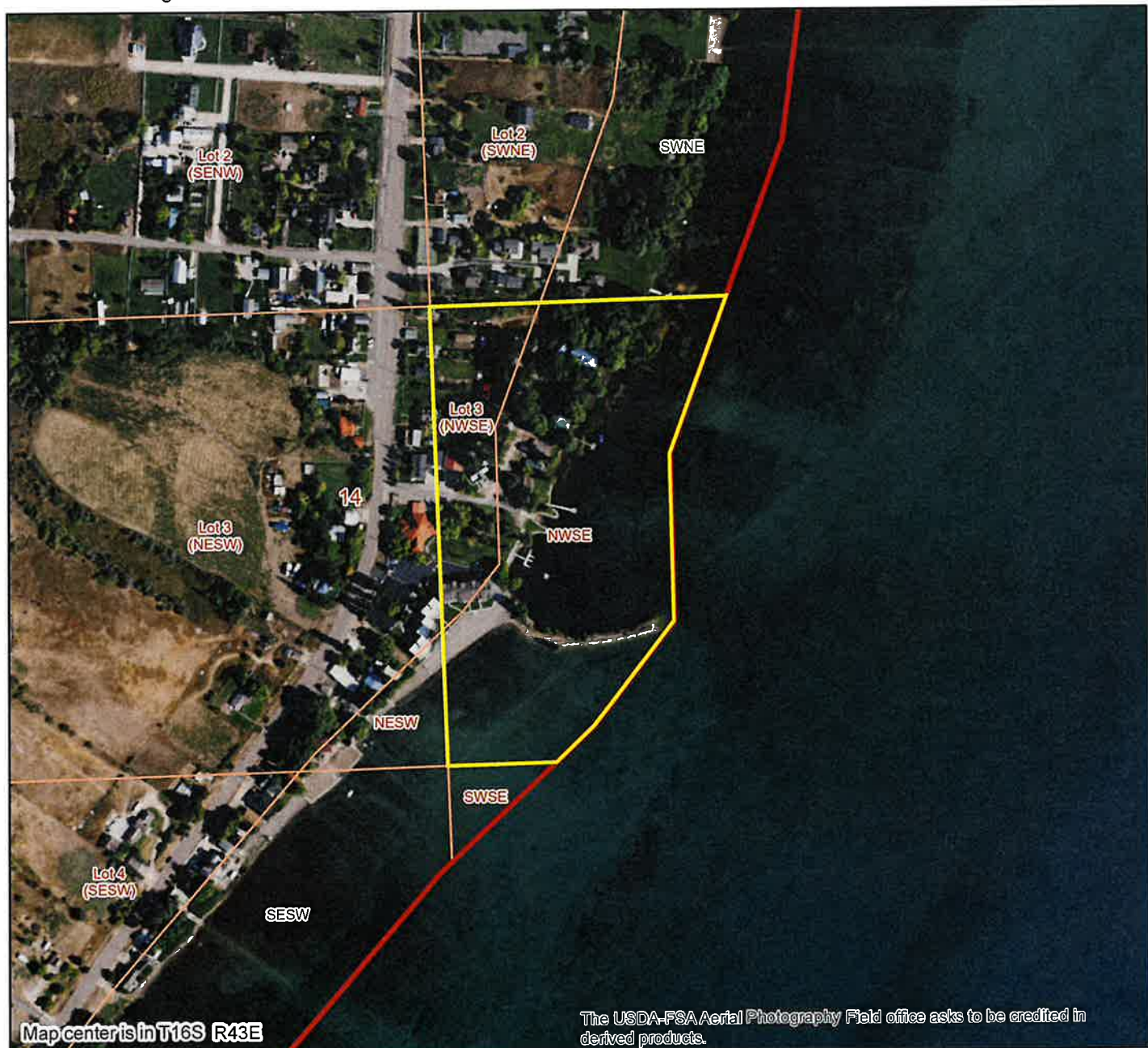
State of Idaho
Department of Water Resources

Water Right

11-4022

MITIGATION

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: 4/17/2023



Legend

- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



The Fish Haven Water Users Company

State of Idaho
Department of Water Resources
Water Right

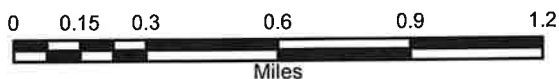
11-4022

MITIGATION

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: 4/17/2023



Legend

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



The Fish Haven Water Users Company

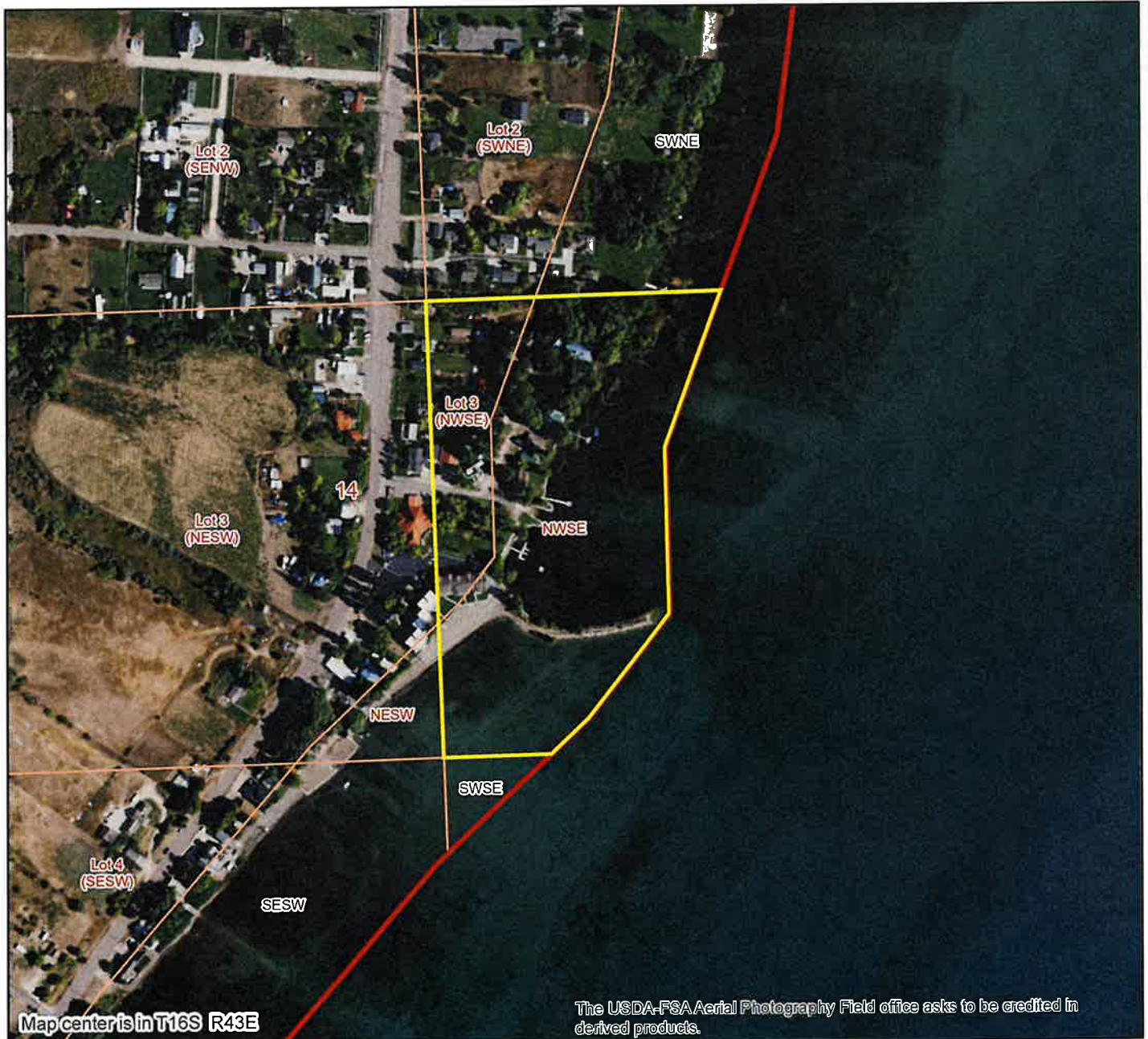
State of Idaho
Department of Water Resources

Water Right

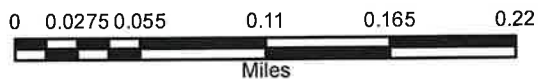
11-4022

MITIGATION

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: 4/17/2023



Legend

- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



The Fish Haven Water Users Company



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 17, 2020

FISH HAVEN WATER USERS CO
1917 HIGHWAY 89
FISH HAVEN ID 83287-5127

Re: Transfer No: 83767
Water Right No(s): 11-4022

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

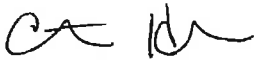
If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

The Fish Haven Water Users Company

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

A handwritten signature in black ink, appearing to read 'CH' followed by a stylized flourish.

Christina Henman
Administrative Assistant

Enclosure

CC:

RANDALL C BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83767

This is to certify that: FISH HAVEN WATER USERS CO
1917 HIGHWAY 89
FISH HAVEN, ID 83287-5127

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
11-4022	WR/STATUTORY CLAIM	5/18/1871	29.600 cfs	N/A	N/A	1212.0	FISH HAVEN CREEK, SPRING

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
11-4022	NO	NO	YES	NO	YES	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
11-4022	11-4022	29.600 cfs	N/A	N/A	1,132	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		29.600 cfs	N/A	N/A	1,132		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 17th day of January 2020


Regional Manager

Transfer No. 83767

The Fish Haven Water Users Company

WATER RIGHT NO. 11-4022**As Modified by Transfer No. 83767**

In accordance with the approval of Transfer No. 83767, Water Right No. 11-4022 is now described as follows:

Right Holder: FISH HAVEN WATER USERS CO
1917 HIGHWAY 89
FISH HAVEN, ID 83287-5127

Priority Date: 5/18/1871

Source: FISH HAVEN CREEK
Source: SPRING

Tributary: BEAR LAKE
Tributary: FISH HAVEN CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	27.650 cfs	
MUNICIPAL	04/15	to 10/31	1.950 cfs	110.0 af
MITIGATION	04/15	to 10/31	4.510 cfs	
MITIGATION	04/15	to 10/31	2.310 cfs	130.4 af
MUNICIPAL	04/15	to 10/31	2.310 cfs	130.4 af
			29.600 cfs	

LOCATION OF POINT(S) OF DIVERSION

FISH HAVEN CREEK	NWSW	Sec 14 Twp 16S Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	NWNESE	Sec 15 Twp 16S Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	NENWSE	Sec 15 Twp 16S Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	SWNWNE	Sec 16 Twp 16S Rge 43E	BEAR LAKE County
SPRING	SWNWNE	Sec 16 Twp 16S Rge 43E	BEAR LAKE County
FISH HAVEN CREEK	NWSENE	Sec 16 Twp 16S Rge 43E	BEAR LAKE County

PLACE OF USE: MITIGATION

Twp	Rng	Sec	NE			NW			SW			SE			NE			Totals
			NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	
16S	43E	14														X		
																L 3		0

CONDITIONS OF APPROVAL

- Transfers 72318 and 79903 authorize a portion of water right 11-4022 for mitigation use in the maximum amount of 4.51 cfs and 184.7 irrigated acres. Irrigation use under this right will be reduced proportionately to the mitigation use associated with the domestic and commercial uses of Permits 11-7481, 11-7491 and 11-7796 during the development period of the Permits. The official record for this water right will be changed upon determination of the extent of beneficial use developed and subsequently licensed under Permits 11-7481, 11-7491, and 11-7796 to show the specific rate and acres permanently removed from irrigation use that will be dedicated solely to mitigation use.

Transfer No. 83767

The Fish Haven Water Users Company

WATER RIGHT NO. 11-4022

As Modified by Transfer No. 83767

CONDITIONS OF APPROVAL

2. Mitigation use under this right for water rights 11-7481, 11-7491 and 11-7796 is subject to the continued adherence to the provisions of the water management and operation plan required under those water rights.
3. Transfer 83767 authorizes a portion of this water right (2.31 cfs. 130.4 afa) to be used to supply municipal water and/or mitigate for future development of up to 100 connections within the Fish Haven Pipeline Company system. Irrigation use under this right will be reduced proportionately to the municipal/mitigation use developed within the Fish Haven Pipeline Company system. The record for this water right will be changed to show the specific rate and acres permanently removed from irrigation use at the time the Department conducts a licensing review for Permit 11-7847.
4. Water associated with the mitigation use will continue to be diverted into the Fish Haven Water Users Company's delivery system, however the portion identified for mitigation purposes shall be conveyed to Bear Lake, and irrigation use under this right shall be proportionately reduced.
5. This right is limited to the irrigation of 1,132 acres within the authorized place of use in a single irrigation season. The total number of irrigated acres will be reduced in proportion to the development occurring under Permits 11-7481, 11-7491, 11-7796 and 11-7847.
6. Municipal place of use is within the area served by the public water supply system of Fish Haven Pipeline Company and is generally located within Sections 14, 15, 22, 23 and 27, T16S, R43E.
7. Irrigation place of use is within the area served by Fish Haven Water Users Company.
8. The boundaries encompassing the irrigation and municipal places of use for this water right are described with digital boundaries as authorized by Idaho law. The data comprising the digital boundaries are stored in the electronic document management system of the Department and are incorporated into this approval by this reference.
9. A map generally depicting the municipal and irrigation service areas for this water right at the time of this approval is attached to this document for illustrative purposes.
10. 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. 11.
11. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
12. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands served by Fish Haven Water Users Company.
13. Approval of this transfer does not confirm the validity of this water right.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

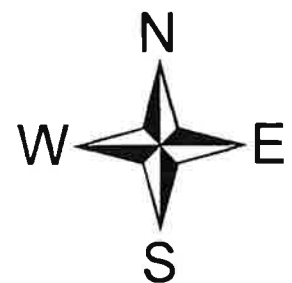
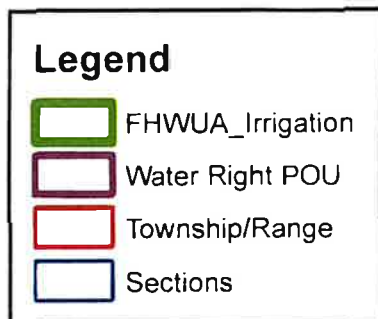
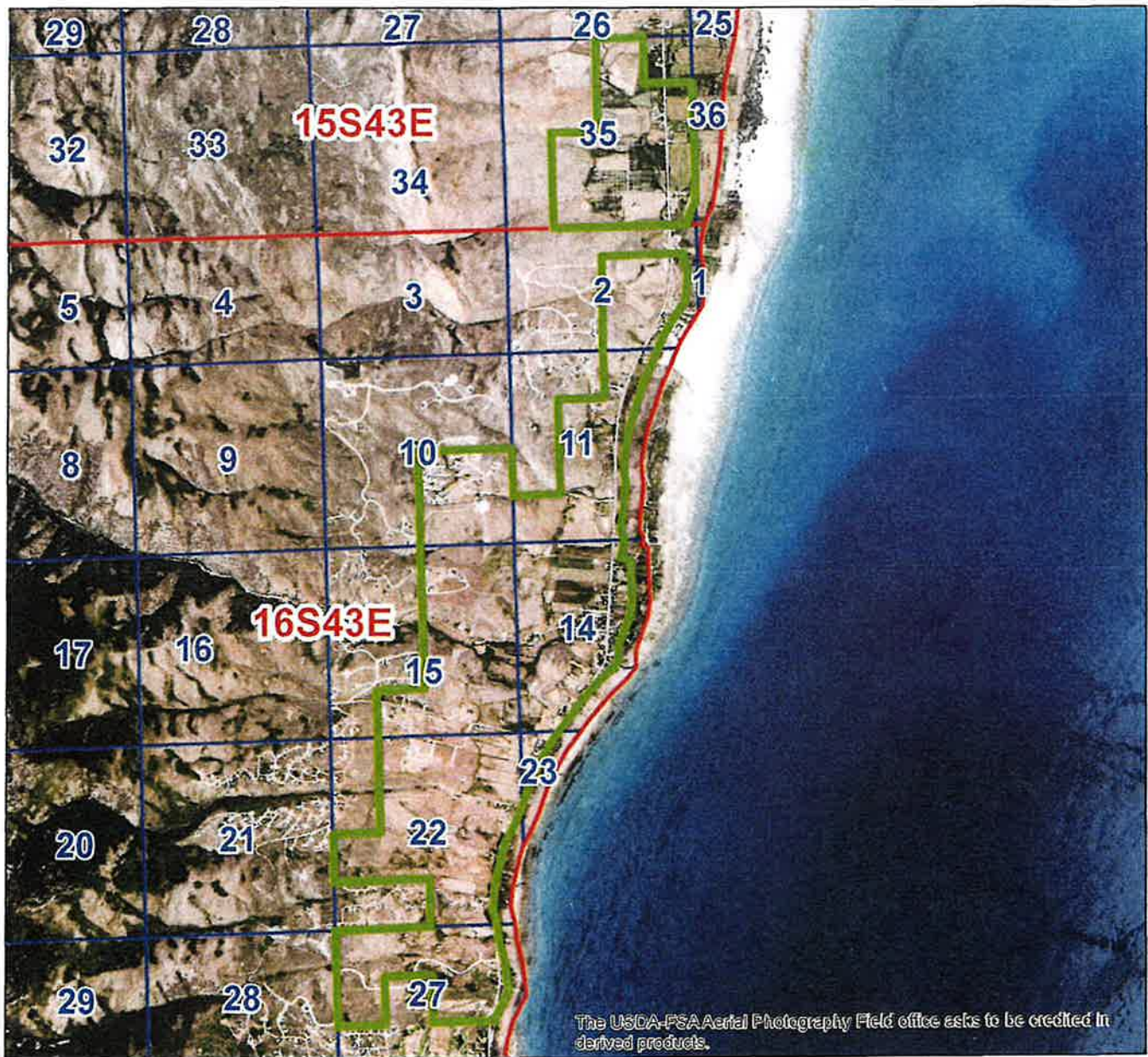
Transfer No. 83767

The Fish Haven Water Users Company

Attachment to Transfer Approval 83767

Fish Haven Water Users Company

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval.

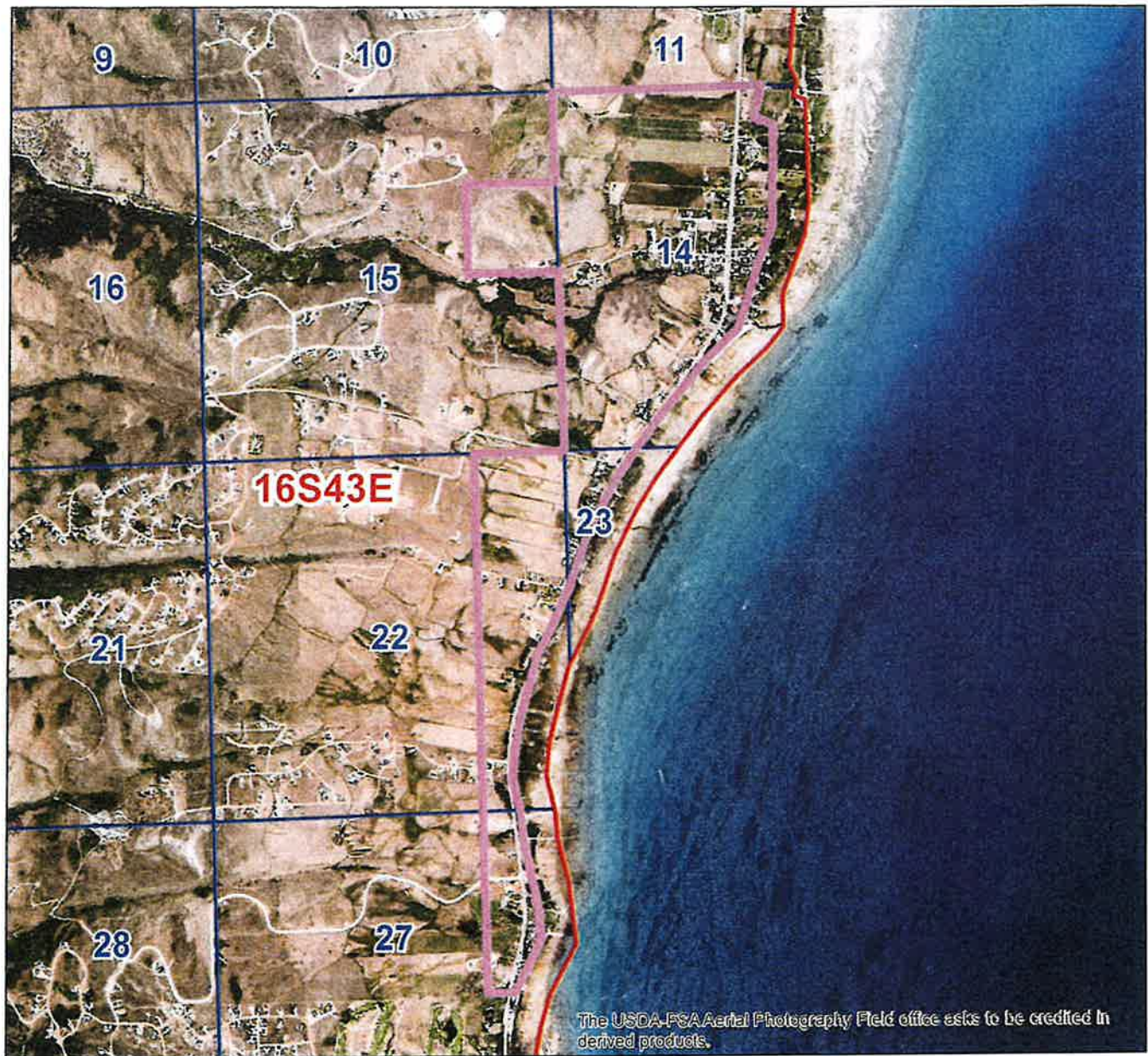


Date: 1/17/2020

Attachment to Transfer Approval 83767

Fish Haven Water Users Company

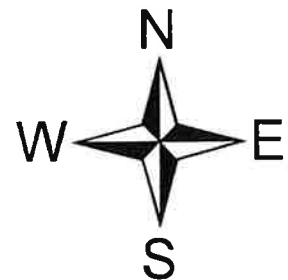
This map depicts the MUNICIPAL place of use boundary at the time of this transfer approval.



Legend

-  FHWUC_Municipal
-  Water Right POU
-  Township/Range
-  Sections

0 0.25 0.5 1 Miles



Date: 1/17/2020

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 83767
Water Right No(s): 11-4022**

**FISH HAVEN WATER USERS CO
1917 HIGHWAY 89
FISH HAVEN ID 83287-5127**

**RANDALL C BUDGE
PO BOX 1391
POCATELLO ID 83204-1391**



**Christina Henman
Administrative Assistant**



RECEIVED

DEC 12 2023

IDWR/Preston

December 8, 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 Water Users Company
Notice of Claim to Water Right 11-4022
Bear River Basin Adjudication**

To whom it may concern:

Enclosed for filing please find the original Notice of Claim to Water Right filed on behalf of Fish Haven Water Users Company, together with a check in the amount of \$2,180.00 for the filing fees, broken down as follows:

Claim 11-4022:

\$50 flat fee
+ \$1.00 per acre x 1,022 acres (irrigation) = \$1,022.00
+\$100 per cfs x 1.95 cfs (municipal) = \$195
+\$100 per cfs x 2.31 cfs (municipal) = \$231
+\$100 per cfs x 4.51 cfs (mitigation) = \$451
+\$100 per cfs x 2.31 cfs (mitigation) = \$231

Total: \$2,180.00

Please file the original and email the claim number 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'. The signature is fluid and cursive, with the first name 'Tessa' being more prominent.

TESSA SPARROW
Paralegal

Enclosure

c: Fish Haven Water Users Company