

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00147
Date Received: 4/04/1990
Receipt No: E012795
Received By: En

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FISH CREEK IRRIGATING CO. 208-776-5253
Address: C/O WALLACE WHITEHEAD
P.O. BOX 152
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: MAR 01, 1893

3. Source: FISH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	26	NW	NW	NW		BANNOCK

5. Description of diverting works:
FLOW OF CREEK IS DIVERTED INTO DEMPSEY/TOPAZ CANAL SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	6.000		

7. Total Quantity Appropriated is:
6.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1330.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	20	NE	SW		IRR	10.0
			SE	SW		IRR	23.0

A29-00147

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Date: 04/04/90

*C#3
from Deane*

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	38E	20	NE		SE		IRR	20.0
			NW		SE		IRR	21.0
			SW		SE		IRR	38.0
			SE		SE		IRR	29.0
							Section Acres	141.0
		21	NE		SW		IRR	5.0
			NW		SW		IRR	20.0
			SW		SW		IRR	32.0
			SE		SE		IRR	15.0
							Section Acres	72.0
		28	NE		NW		IRR	6.0
			NW		NW		IRR	24.0
			SW		NW		IRR	27.0
			SE		NW		IRR	10.0
			NW		SW		IRR	3.0
							Section Acres	70.0
		29	NE		NE		IRR	40.0
			NW		NE		IRR	35.0
			SW		NE		IRR	15.0
			SE		NE		IRR	40.0
			NE		NW		IRR	23.0
			NW		NW		IRR	30.0
			SW		NW		IRR	40.0
			NE		SW		IRR	10.0
			NW		SW		IRR	16.0
							Section Acres	249.0
							Total Acres	532.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
29-00036, 00037

14. Remarks:
** COMPANY IS RESPONSIBLE FOR DELIVERING WATER TO SHAREHOLDERS.

14. Remarks: Continued

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 7/01/1921

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.

Decree Defendant

16. 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 Snake 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 that I am SECRETARY of

Title

FISH CREEK IRRIGATING CO., that I have signed the foregoing

Organization

document in the space below as SECRETARY of

Title

FISH CREEK IRRIGATING CO. and that the statements contained in the

Organization

foregoing document are true and correct.

Wallace K. Whitehead
Signature of Authorized Agent

SECRETARY, FISH CREEK IRRIGATING CO.
Title and Organization

APRIL 4, 1990
Date

State of Idaho)
County of Bonneville) SS.

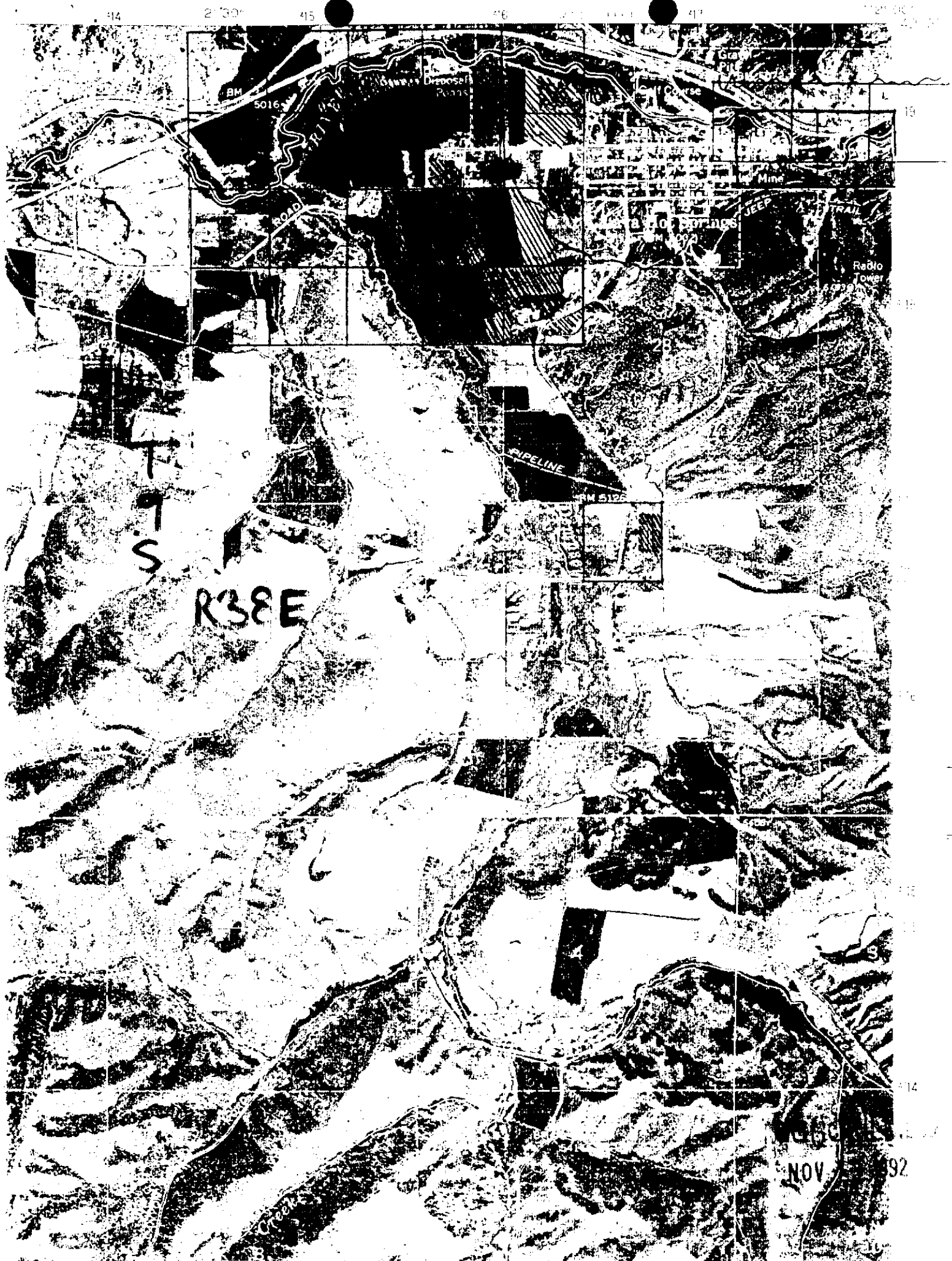
Subscribed and sworn (or affirmed) before me this 24 day
of April 19 90

Seal

[Signature]
Notary Public

Residing at Salida Falls, B.

My Commission Expires 22 Aug 1994



Water Right Number - 29-00147

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

FISH CREEK IRRIGATING CO.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/01/1893 15 EASTERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
FISH CREEK PORTNEUF RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot Rflg County Diversion Name Diversion Rate Diversion No.
09S 38E 22 SE SE (5) BANNOCK+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 09/15 6.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
6.000 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
09S 38E 20 SE SW 3 01 IRRIGATION (5) BANNOCK
09S 38E 20 NE SE 1 01 IRRIGATION (5) BANNOCK
09S 38E 20 SE SE 01 IRRIGATION (5) BANNOCK
09S 38E 21 NW SW 4 01 IRRIGATION (5) BANNOCK
09S 38E 21 SW SW 01 IRRIGATION (5) BANNOCK
09S 38E 21 SE SW 3 01 IRRIGATION (5) BANNOCK
09S 38E 21 SW SE 2 01 IRRIGATION (5) BANNOCK
09S 38E 21 SE SE 1 01 IRRIGATION (5) BANNOCK
09S 38E 22 SW SW 6 01 IRRIGATION (5) BANNOCK
09S 38E 28 NE NW 01 IRRIGATION (5) BANNOCK
09S 38E 28 NW NW 01 IRRIGATION (5) BANNOCK
09S 38E 29 NE NE 01 IRRIGATION (5) BANNOCK
09S 38E 29 NW NE 01 IRRIGATION (5) BANNOCK
09S 38E 29 NE NW 1 01 IRRIGATION (5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Water right number - 29-00147

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +

GEN P/U INCOMPLETE.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +

UNION GRAIN & ELEVATOR CO.

MCCAMMON DITCH CO. ET. AL.

08/06/1932

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - 08/18/86 05/22/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 07/15/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 29
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Presumption Flag -	Name Connector -	POU Ownership Flag-
SRBA Decreed Flag -		

Log for claim A29-00147

Spatial Dynamics AMH

8/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	20	NESW	10	13	
09s38e	20	SESW	23	31	
09s38e	20	NESE	20	24	
09s38e	20	NWSE	21	28	
09s38e	20	SWSE	38	40	
09s38e	20	SESE	29	29	
09s38e	21	NESW	5	8.6	
09s38e	21	NWSW	20	23	
09s38e	21	SWSW	32	34	
09s38e	21	SESE	16	22	
09s38e	28	NENW	6	20	
09s38e	28	NWNW	24	30	
09s38e	28	SWNW	27	32	
09s38e	28	SESW	10	18	
09s38e	28	NWSW	3	28	
09s38e	29	NENE	40	40	
09s38e	29	NWNE	35	32	
09s38e	29	SWNE	15	11	
09s38e	29	SENE	40	40	
09s38e	29	NENW	23	31	
09s38e	29	NWNW	30	35	
09s38e	29	SWNW	40	39	
09s38e	29	NESW	10	23	
09s38e	29	NWSW	16	16	
Totals:			533	647.6	

AJ5809NP
No. A29-00147

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 40

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FISH CREEK IRRIGATING CO C/O WALLACE WHITEHEAD PO BOX 152 LAVA HOT SPRINGS ID 83246 (208) 776-5253	03/01/1893	IRRIGATION	04-15 09-15	6.000 CFS	
				TOTAL DIVERSION:	6.000 CFS	
				CONSUMPTIVE USE:		1330.00 AFA

Water Source: FISH CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T09S R38E S26 NWNWNW

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE							
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM		
09S	38E	20	:								:						10				23	:	20	21	38	29	: 141.0
09S	38E	21	:								:						05	20	32			:			15	: 72.0	
09S	38E	28	:								:	06	24	27	10			03				:				: 70.0	
09S	38E	29	:	40		35		15		40	:	23	30	40			10	16				:				: 249.0	
																							TOTAL ACRES		532.0		

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATERING

Other Rights: 29-00036, 00037

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00152A A29-00153A A29-11774

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00036	A29-00037	A29-00158	A29-00158A	A29-00158B	A29-00158C	A29-00158D	A29-00158E	A29-00159	A29-00159A
A29-00159B	A29-00159C	A29-00160	A29-00160A	A29-00180	A29-00182	A29-00182A	A29-00182B	A29-00183	A29-00184
A29-02378	A29-07393	A29-07530	A29-10848	A29-11773	A29-11774				

Remarks: GEN ** COMPANY IS RESPONSIBLE FOR DELIVERING WATER TO SHAREHOLDERS.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 29 Field Inspection Flag: Presumption Flag: D

Audit: 04/04/90 VERNER 04/04/94 THOMPSON 03/29/95 POST-STD

APPENDAGE TO THE FILING OF WATER OF

Our present decreed water rights are jeopardized by

1. Illegal loss free transportation of storage water in the river channel. We ask the adjudication process to correct this situation by requiring the users of the storage water to stand the loss or require all the water users in the river district to share in the loss on a percentage basis according to the cubic feet of water they have decreed to them.
2. Many years after established use rights and decreed rights numerous wells have been allowed in the upper basin area, draining the aquifer. We ask an in depth study be made to determine the affect on the river flow before a decision is made.

Historically the amount of our water has been cut down during the irrigation season because there is not enough water to fill all the rights. Of necessity we have used the water at any time during the non irrigating season in any amount needed first come first serve down the river. We request this use right recognized and established as a legitimate water right.

Wallace K. Whitehead
Sr
Fish Creek Irrig Co.

Earl H. Smith
Sr
Dampsey Irrig Co.

MICROFILMED

NOV 13 1992