

LATE FEE IF RECEIVED
BY 5/25/90 EV

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: A29-11774

Date Received:

Receipt No: E014193

Received By:

MAY - 5 1990

Dep. of Water Resources
Eastern District Office

**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	09/16	11/15	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
			NE	SE		IRR	20.0

A29-11774

Page 1

Date: 04/27/90

MICROFILMED

NOV 16 1992

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	20	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, 00147

14. Remarks:

** COMPANY IS RESPONSIBLE FOR DELIVERING WATER TO SHAREHOLDERS.
** THIS RIGHT IS CLAIMED FOR WATER THAT IS DIVERTED AFTER THE
DECREED IRRIGATION SEASON DATE OF 9/15. THIS WATER HAS
HISTORICALLY BEEN USED BY THE SHARE HOLDERS, AND HAS NOT BEEN

14. Remarks: Continued

SUBJECT TO THE WATER RIGHTS SCHEDULE USED BY THE WATER MASTER
DURING THE NORMAL IRRIGATION SEASON.

15. Basis of Claim: BENEFICIAL USE

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 IRRIG Co., that I have signed the foregoing
Organization

document in the space below as SECRETARY of
Title

FISH CREEK IRRIG Co. and that the statements contained in the
Organization
foregoing document are true and correct.

Wallace K. Whitehead
Signature of Authorized Agent

SEC. FISH CREEK IRRIG Co.
Title and Organization

5/2/90
Date

State of Idaho)
County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 2ND day
of MAY 19 90

Robert Bergendorf
Notary Public

Seal

Residing at LAUA HOT SPRINGS

My Commission Expires LIFETIME

Log for claim A29-11774

Spatial Dynamics PJM

9/12/00

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	SENW	10	18	
09s38e	28	NWSW	3	28	Indiscernible
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. A29-11774

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 233

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	09-16 11-15	6.000 CFS	
					TOTAL DIVERSION:	6.000 CFS
					CONSUMPTIVE USE:	1330.00 AFA

Water Source: FISH CREEK

Tributary to: PORTNEUF RIVER

Stage: BENEFICIAL USE

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				:	20	21	38	29	141.0
✓09S	38E	21	:								:						:	05	20	32		:			15	72.0	
✓09S	38E	28	:								:	06	24	27	40		:		03			:					70.0
✓09S	38E	29	:	40		35		15		40	:	23		30	40		:	40	16			:					249.0
																							TOTAL ACRES		532.0		

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATERING

Other Rights: 29-00036, 00037, 00147

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00147 A29-00152A A29-00153A

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

A29-00036	A29-00037	A29-00147	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				

Remarks: GEN ** COMPANY IS RESPONSIBLE FOR DELIVERING WATER TO SHAREHOLDERS.
** THIS RIGHT IS CLAIMED FOR WATER THAT IS DIVERTED AFTER THE
DECREED IRRIGATION SEASON DATE OF 9/15. THIS WATER HAS
HISTORICALLY BEEN USED BY THE SHARE HOLDERS, AND HAS NOT BEEN
SUBJECT TO THE WATER RIGHTS SCHEDULE USED BY THE WATER MASTER
DURING THE NORMAL IRRIGATION SEASON.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29

Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A29-11774

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 234

Audit: 05/04/90 VERNER 09/15/94 JTHOMPSO 03/29/95 POST-STD

IDAHO DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718

Mar 24, 1995

Dear Sirs:

The attached evidence of a decree date of Priority for the Fish Creek Irrigation Company is respectfully submitted as requested per your letter of Jan 3, 1995.

This information is referenced to correspondence number A29-11774.

RECEIVED

MAR 27 1995

Department of Water Resources
Eastern District Office

Wallace Whitehead

Wallace Whitehead
Fish Creek Irrigation Co.

*P.S. This WATER IS USED MOST BENEFICIALLY EVERY
YEAR FOR NEXT YEARS CROPS, & ESPECIALLY ON DROUGHT YEARS
WHEN WE DONT HAVE WATER DURING IRRIGATING SEASON.*

NOV 14 1990

~~Exhibit A~~

In the District Court of the Fifth Judicial District
of the State of Idaho

Union Grain & Elevator Co.,
A Corporation,

Plaintiff, No. 2203

VS.

McCammon Ditch Co., et al.,

Defendants

FINAL DECREE

Before Hon. O. R. BAUM, District Judge

Filed July 1st, 1921

R. C. EARLEY,
Clerk

By LILLIAN SPONGBERG,
Deputy

112. *Fish Creek Irrigating
Company*
1893—March 1

6 c. f. s.

Township 9 South, Range 38 E. B. M.

Said water to be diverted through a ditch taken out North 74 degrees West, 900 feet from the Northeast corner of Section 27, Township 9 South, Range 38 E. B. M., for the irrigation of Lots 1, 2, 3, Section 21, Lot 6, Section 22, the Northeast quarter of the Northwest quarter, Section 28, Township 9 South, Range 38 E. B. M. Lot 1 the Southeast quarter of the Southeast quarter, Section 20, Lot 4, the Southwest quarter of the Southwest quarter, Section 21, Township 9 South, Range 38 E. B. M. Lot 3, Section 20, the Northeast quarter of the Northwest quarter, Section 29, Township 9 South, Range 38 E. B. M.

—56—

RECORDED

MAR 27 1905

Department of Water Resources
Eastern District Office

NAME OF CLAIMANT and
DATE OF PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

113. *Idaho Conference of the
Methodist Episcopal
Church*
1889—June 1

.2 c. f. s.

(Northeast quarter of the Northwest quarter being Government Lot 1). The Northwest quarter of the Northwest quarter, Section 28, the North half of the Northeast quarter, Section 29, Township 9 South, Range 38 E. B. M.

Said water to be diverted through the Fish Creek Irrigating Company's canal above described, for the irrigation of Lot 6, Section 22, Township 9 South, Range 38 E. B. M.

114. *Mary Ann Hall as the
owner of a life es-
tate and John W.
Peter and Eliza-
beth T. Peter as
the owners of re-
mainder in fee.*
1889—June 1

.1 c. f. s.

Said water to be diverted through the Fish Creek Irrigating Company's canal, last above described, for the irrigation of 80 feet off the south ends of Lots 11, 12, 13 and 14, and 15, in Block 9, Townsite of Hall City, in the Village of Lava Hot Springs, more particularly described as follows: Beginning at the Southwest corner said Block 9, thence East 150 feet, thence North 80 feet, thence West 150 feet, thence South 80 feet to place of beginning.

115. *Terrell, Thomas F.*
1889—June 1

.08 c. f. s.

Said water to be diverted through the said Fish Creek Irrigating Company's canal, last above described, for the irrigation of land described as follows: Commencing at the Northwest corner Block 1, of the Townsite of Hall City, in Lava Hot Springs, thence East along the North line, Block 1, and continuing in a straight line to the Portneuf River, thence along meander line of Portneuf River Northwest, then West to intersection of River and First Avenue as