

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: A21-11088
Date Received: 3/23/1989
Receipt No: E006437
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CONANT CREEK CANAL CO., AN IDAHO CORP.
Address: C/O ROGER BRATT, SECRETARY
630 NORTH 6TH WEST
ST. ANTHONY ID 83445
208-652-3538

2. Date of Priority: MAY 20, 1896

3. Source: CONANT CREEK

Trib. to: FALLS RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	43E	15	SE	SW			FREMONT
		17	NE	SW			FREMONT
		18	SW	NE			FREMONT
	44E	28	SE	NW			FREMONT

5. Description of diverting works:
DAM, GATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	30.000		

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

A.F.A.

8. Total consumptive use is 9989.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08N	42E	13	SE	SE		IRR	37.0

A21-11088

Page

1

Date: 08/11/92

OCT 23 1992

A211088

EXHIBIT

126

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
		25	SW	NE	IRR	40.0
			SE	NE	IRR	28.0
			NE	NW	IRR	25.0
			SW	NW	IRR	35.0
			SE	NW	IRR	40.0
			NW	SW	IRR	30.0
			SW	SW	IRR	40.0
			NE	SE	IRR	32.0
			NW	SE	IRR	31.0
			SW	SE	IRR	35.0
					Section Acres	336.0
		27	NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			NE	NW	IRR	38.0
			SE	NW	IRR	37.0
			NW	SE	IRR	20.0
					Section Acres	175.0
		29	NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	20.0
					Section Acres	260.0
		30	NE	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	360.0
					Total Acres	4515.6

10. Place of Use: Continued

[illegible]

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	43E	18	SW	SW		IRR	40.0
			SE	SW		IRR	35.0
			NE	SE		IRR	40.0
			NW	SE		IRR	30.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 305.0

19	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	38.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	38.0
	NE	SW	IRR	38.0
	NW	SW	IRR	35.0
	SW	SW	IRR	40.0
	SE	SW	IRR	38.0
	NW	SE	IRR	38.0
	SW	SE	IRR	38.0
	SE	SE	IRR	30.6

Section Acres 533.6

20	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	30.0
	SE	NE	IRR	40.0
	NE	NW	IRR	30.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	10.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 550.0

21	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	37.0
		23	SE	NW	IRR	11.0
			NE	SE	IRR	38.0
			NW	SE	IRR	37.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	166.0
		24	NE	NE	IRR	40.0
			NW	NE	IRR	18.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
					Section Acres	138.0
		25	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			NE	SE	IRR	40.0
					Section Acres	240.0
		26	NE	NE	IRR	19.0
			NW	NE	IRR	19.0
			NE	NW	IRR	17.5
			NW	NW	IRR	17.5
					Section Acres	73.0
43E		15	SW	SW	IRR	12.0
			SE	SW	IRR	20.0
					Section Acres	32.0
		17	SW	NW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
					Section Acres	120.0
		18	SW	NE	IRR	20.0
			SE	NE	IRR	40.0
			NE	SW	IRR	20.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

TR 21041, LICS. 21-02037, 5803 AND HAWKES CLAIM ATTACHED.

14. Remarks:

THIS RIGHT WAS INVOLVED IN A TRANSFER, AS REFERENCED ABOVE. THE LANDS TO BE IRRIGATED ARE OWNED BY APPLICANT'S STOCKHOLDERS.

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 President of _____ Title

Smart Creek Canal Co. Organization that I have signed the foregoing

document in the space below as President of _____ Title

Smart Creek Canal Co. Organization and that the statements contained in the

foregoing document are true and correct.

Delila Henry
Signature of Authorized Agent

President Smart Creek Canal Co.
Title and Organization

8-14-92
Date

NOTICE OF WATER RIGHT.

STATE OF IDAHO,
County of Blaine } ss.

POOR ORIGINAL

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

1st. That Ernest J. Fisher and Joseph P. Hawley
of Mountain Dell, Idaho
hereby claim the use of the waters of Conant Creek
to the extent of 30 cubic feet per second.

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and definitely described as follows: at or near the foot of outlet is known as "Goulden Hill", about 1/2 mile above Thomas Pratts ranch, situated on Conant Creek.

(In above description give legal subdivision of land or describe the place with reference to some prominent landmark)

3d. The purpose for which said water is intended to be used is irrigation and domestic

The place of intended use is Mountain Dell, Blaine Co., Idaho

4th. It is intended to divert said water by means of a headgate, dam and canal

The general course of the proposed canal is West

The length of the proposed canal is about ten (10) miles

It is intended to use said water for irrigating the following described land:
Sections 21, 22, 27, 28, 33 & 34, Twp 8 North, Range 43 East, Boise Meridian.

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TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	42E	13																37	37
8N	42E	23							11						38	37	40	40	166
8N	42E	24	40	18	40	40													138
8N	42E	26	19	19			175	175											73
8N	43E	15										12	20						32
8N	43E	17						40			40	40							120
8N	43E	18			20	40					20		40	35	40	30	40	40	305
8N	43E	19	40	40	38		40	40	40	38	38	35	40	38		38	38	306	538.6
8N	43E	20	40	40	30	40	30	40	40	10	40	40		40	40	40	40	40	550
8N	43E	21	40	40	40	40	27	21	40	27	40	40	40	40	20	40	40	20	555
8N	43E	22		38	40	13	40	40	40	38	37	40	40	38	40	40	38	1	523
8N	43E	23						13	4						20	20		35	92
8N	43E	24						5	5			5	5						20
8N	43E	25			40	28	25		35	40		30	40		32	31	35		336
8N	43E	27		40	40		38			37						20			175
8N	43E	29		40	40		40	40	40	40	20								260
8N	43E	30	40			40													80

3995.6

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OCT 23 1992

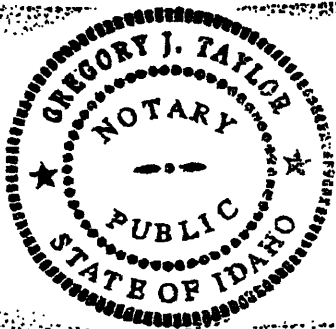
State of Idaho

County of Boonville) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of August 19 92

Gregory J. Taylor
Notary Public

Seal



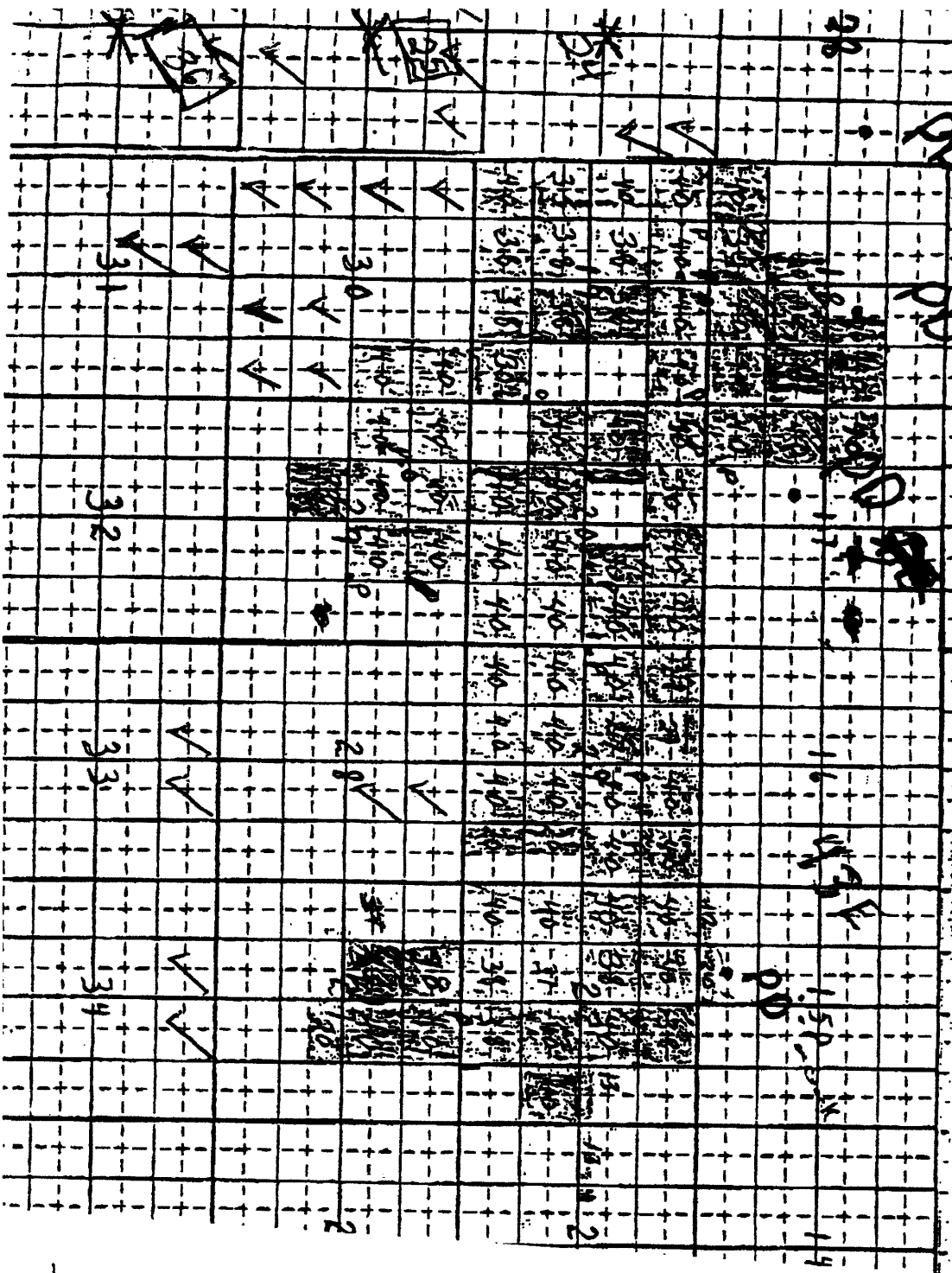
Residing at Shilo Falls, Id

My Commission Expires 3/3/98

in 23
8e 42.E

44E

Rge 43E



MINOR TRIBUTARIES TO HENRYS FORK BELOW WARM RIVER

Listed in Downstream Order

DO
LI
JAME
6

<u>Party or Canal</u>	<u>Date</u>	<u>Decreed Amount in Sec.-ft.</u>	<u>Accumulated Total</u>
<u>CONANT CREEK</u>			
<u>Nyberg</u> <u>T. C. Smith</u>	June 1, 1893	2.0	
<u>Nyborg (S. O. Peterson)</u>	June 1, 1893	2.4	4.4
<u>Nyborg (S. O. Peterson)</u>	June 1, 1899	0.8	5.2
<u>Conant Creek Canal Co. (TR 21041)</u>	May 1, 1901	18.25	
<u>(TR 21041)</u>	May 1, 1901	1.75*	25.2
<u>Perry, McBain & Dunlop</u>	May 1, 1904	14.2	39.4
<u>Conant Creek Canal Co. (Lic. 4357)</u>	Feb. 15, 1909	22.81	
<u>(TR 21-2037)</u>	Feb. 15, 1909	2.19*	64.4
<u>(Lic. 5803)</u>	Feb. 25, 1910	22.81	
<u>(TR 21-2037)</u>	Feb. 25, 1910	2.19*	89.4
Pump diversion <u>Hawkes Claim</u>		30	
<u>SQUIRREL CREEK</u>			
<u>A. C. Langley</u>	Aug. 1, 1899	0.4	0.4
<u>Squirrel Creek Irrig. & Canal Co.</u>	Sept 1, 1901	20.0	20.4
<u>A. C. Langley</u>	June 24, 1902	2.5	22.9
<u>Yellowstone Land & Cattle Co.</u>	June 24, 1902	3.0	25.9
	June 1, 1903	5.0	30.9
<u>Merle Harshberger & Son</u> (Permit 21-7052)	Aug. 7, 1974	5.0	35.9
<u>Don Harshberger & Gene Dickson</u> (Permit 21-7056) (Storage)	Oct. 7, 1974	20.0	55.9

(602) 667-1367

In light of what has been stated we cannot see why our request should be denied. If however, the Board feels that our request represents too much land. We would be willing to negotiate for adding only the 240 acres at N2N2; SE4NE4; NE4SE4; Sec 25 TWP 8 RGE 42.

Thankyou for your consideration in this matter.

Sincerely Yours,

Melita C. Henry

Aug 5, 1992.

To whom it may concern,

We the board of the Grant Creek Canal Company agree to amend the original application to include the parcels of land that Mrs. Henry has indicated in this letter. If there is anything we can do to help with this matter please call.

Dan Zundell (652-3734)

Sincerely

For L. Carl
D. J. Zundell
D. J. Zundell
D. J. Zundell
D. J. Zundell
MICROFILMED

APR 08 1994