

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 121-02037
Date Received 3-23-89
Receipt Number E006437

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Conant Creek Canal Company, an Phone (208) 652-3538
Idaho corporation
Mailing Address c/o Roger Bratt, Secretary
630 North 6th West, St. Anthony, Idaho Zip 83445

2. Date of Priority (Only one (1) per claim) February 25, 1910

3. Source of water supply (a) Conant Creek
which is tributary to (b) Fall River, tributary to Henry's Fork - Snake River

4. a. Location of existing point of diversion is: Township 8N Range 44E Section 28
1/4 of SE 1/4 of NW 1/4, Govt. Lot, B.M., County of Fremont

Additional points of diversion if any: All the following points are in Twp. 8N, Rge. 43EBM:
SE1/4SW1/4, Sec. 15; SW1/4NE1/4, Sec. 18; and NE1/4SW1/4, Sec. 17.

b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., 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. A diversion dam and gate at the head of the
Conant Creek Canal through a lateral ditch to the Shareholders who either take the water
through lateral ditches to their farms or pump with electrical pumps, except for one diesel
pump, from the canal itself or from the lateral ditches or from Conant Creek or from
Fall River.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 25 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 25 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 9,989 acre feet per annum, for all claims of the Claimant

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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.

SEE ATTACHED DESCRIPTION OF PLACE OF USE

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 3,995.6

11. In which county (ies) are lands listed above as place of use located? Fremont

12. Do you own the property listed above as place of use? Yes _____ No X

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

TR 21041, Lics. 4357, TR 21-2037, Lics. 5803, Hawkes claim attached or None ()

14. Remarks:

This right was involved in a transfer, as referenced above. The lands to be irrigated are owned by Claimant's stockholders.

Last Name CONANT CREEK CANAL Ident No. _____

Copies: White - State, Yellow - Claimant

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15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number _____
Court 6th now 7th Judicial Dist Case Number _____ Decree Date 12-16-10
Plaintiff vs Defendant Rexburg Irrigation Company v. Teton Irrigation Canal Company

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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

For Individuals: I do solemnly swear or affirm 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 that I am _____ President
_____ Title

of Conant Creek Canal Company _____, that I have signed the foregoing
Organization

document in the space below as _____ President of Conant Creek Canal Company
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Walter Jones

Title and Organization President Date 3-22-89

State of Idaho/or _____)
County of Fremont) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of March 19 89

SEAL

Notary Public Dale L. Swensen

Residing at St. Anthony, ID

My Commission Expires May 18, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Ray W. Rigby 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 Ray W. Rigby

Address 25 N. 2nd E., POB 250, Rexburg, ID 83440

Date 3-22-89

Last Name CONANT CREEK CANAL Ident. Number _____

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Copies White-State, Yellow-Claimant

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	533.6
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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Rgc 43E

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[illegible]

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NOTICE OF WATER RIGHT.

STATE OF IDAHO,
County of Fremont } ss.

POOR ORIGINAL

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

1st. That Ernest J. Fisher and Joseph P. Hawkey
of Mountain View, Idaho
hereby claim the use of the waters of Coumant 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 more definitely described as follows: at or near the foot of what is known as "Goulden Hill", about 1/2 mile above Thomas Pratt's ranch, situated on Coumant 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 View, Fremont 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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*Conant
Squirrel*

MINOR TRIBUTARIES TO HENRYS FORK BELOW WARM RIVER

Listed in Downstream Order

BO
LI
JAMES
6

<u>Party or Canal</u>	<u>Date</u>	<u>Decreed Amount in Sec.-ft.</u>	<u>Accumulated Total</u>
<u>CONANT CREEK</u>			
<i>Nyberg</i> <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.</u> (TR 21041)	May 1, 1901	18.25	
	(TR 21041) May 1, 1901	1.75*	25.2
<u>Perry, McBain & Dunlop</u> ?	May 1, 1904	14.2	39.4
<u>Conant Creek Canal Co.</u> (Lic. 4357)	Feb. 15, 1909	22.81	
	(TR 21-2037) Feb. 15, 1909	2.19*	64.4
	(Lic. 5803) Feb. 25, 1910	22.81	
	(TR 21-2037) Feb. 25, 1910	2.19*	89.4
<i>*Pump diversion</i> <i>Hawkes Claim</i> <i>attached</i>		300	
<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

addition

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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,

Melila 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

Jim L. Lark
Ray Zundell
Gregory Smith
al with
Melila Henry
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