

03/04/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-11774

NAME AND ADDRESS: FISH CREEK IRRIGATING CO
C/O WALLACE WHITEHEAD
PO BOX 152
LAVA HOT SPRINGS ID 83246

SOURCE: FISH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 6.000 CFS

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION:

T09S R38E S26 NWNWNW Within BANNOCK County Source: FISH CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
4.900 CFS

PLACE OF USE:

LARGE PLACE OF USE

243.3 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

WATER IS DELIVERED THROUGH FISH CREEK IRRIGATING CO CANAL.
SHARED WITH DEMPSEY-TOPAZ CANAL AND SOME PRIVATE RIGHTS.

RIGHT NO. 29-00147 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

03/20/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-11774

NAME AND ADDRESS: FISH CREEK IRRIGATING CO
C/O WALLACE WHITEHEAD
PO BOX 152
LAVA HOT SPRINGS ID 83246

SOURCE: FISH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 6.00 CFS

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION:

T09S R38E S26 NWNWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

09/16 10/31

4.900 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R38e S20 Lot 3	SESW	20.4	T09S R38e S20 Lot 1	NESE	19.6
T09S R38e S20 Lot 2	NWSE	20.3	T09S R38e S20	SWSE	29.6
T09S R38e S20	SESE	26.3	T09S R38e S21 Lot 4	NWSW	21.3
T09S R38e S21	SWSW	24.9	T09S R38e S28	NWNW	21.5
T09S R38e S29	NENE	38.8	T09S R38e S29	NWNE	19.9
T09S R38e S29	NENW	0.7			

243.3 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

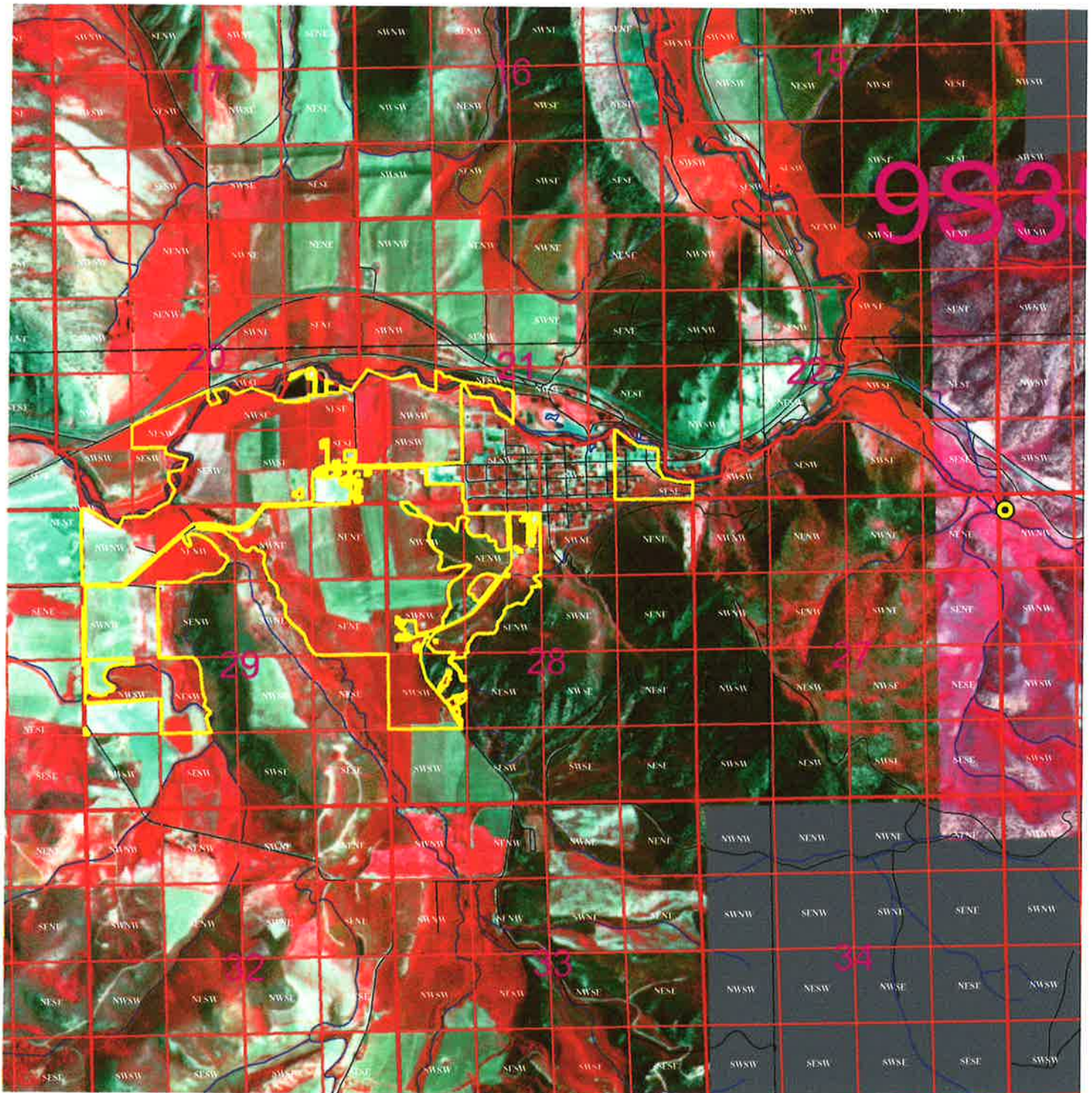
EXPLANATORY MATERIAL: Beneficial Use

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SHARED WITH DEMPSEY-TOPAZ CANAL AND SOME PRIVATE RIGHTS.
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DESCRIBED ABOVE.

Water Right Claim Number A29-11774

09/12/2000

Township , 9S38E



Legend

Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

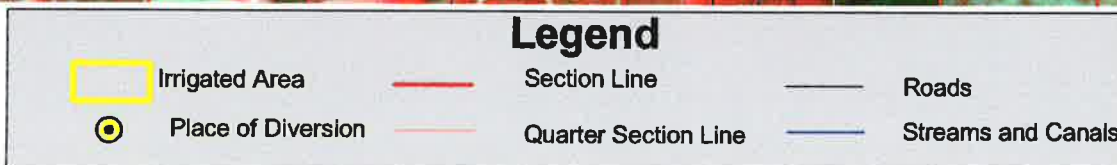
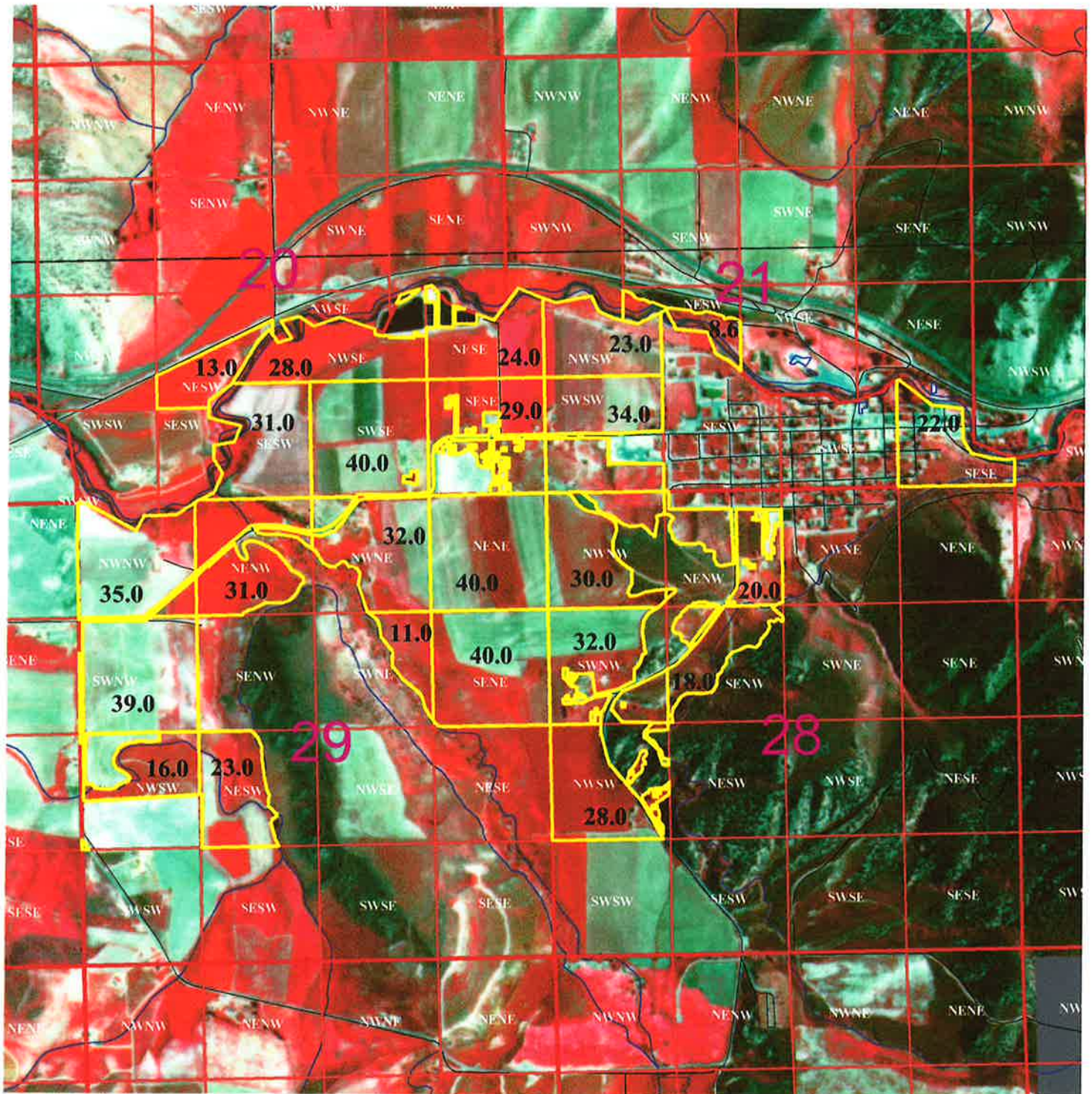
1000 0 1000 2000 Feet



Water Right Claim Number A29-11774

Township , 9S38E

09/12/2000



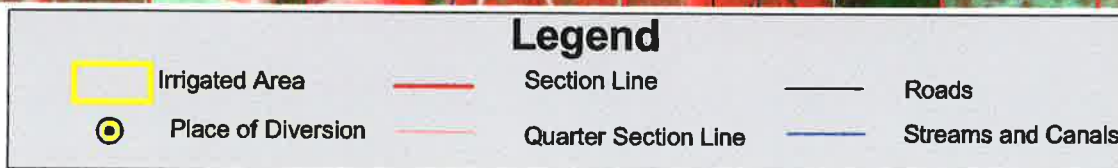
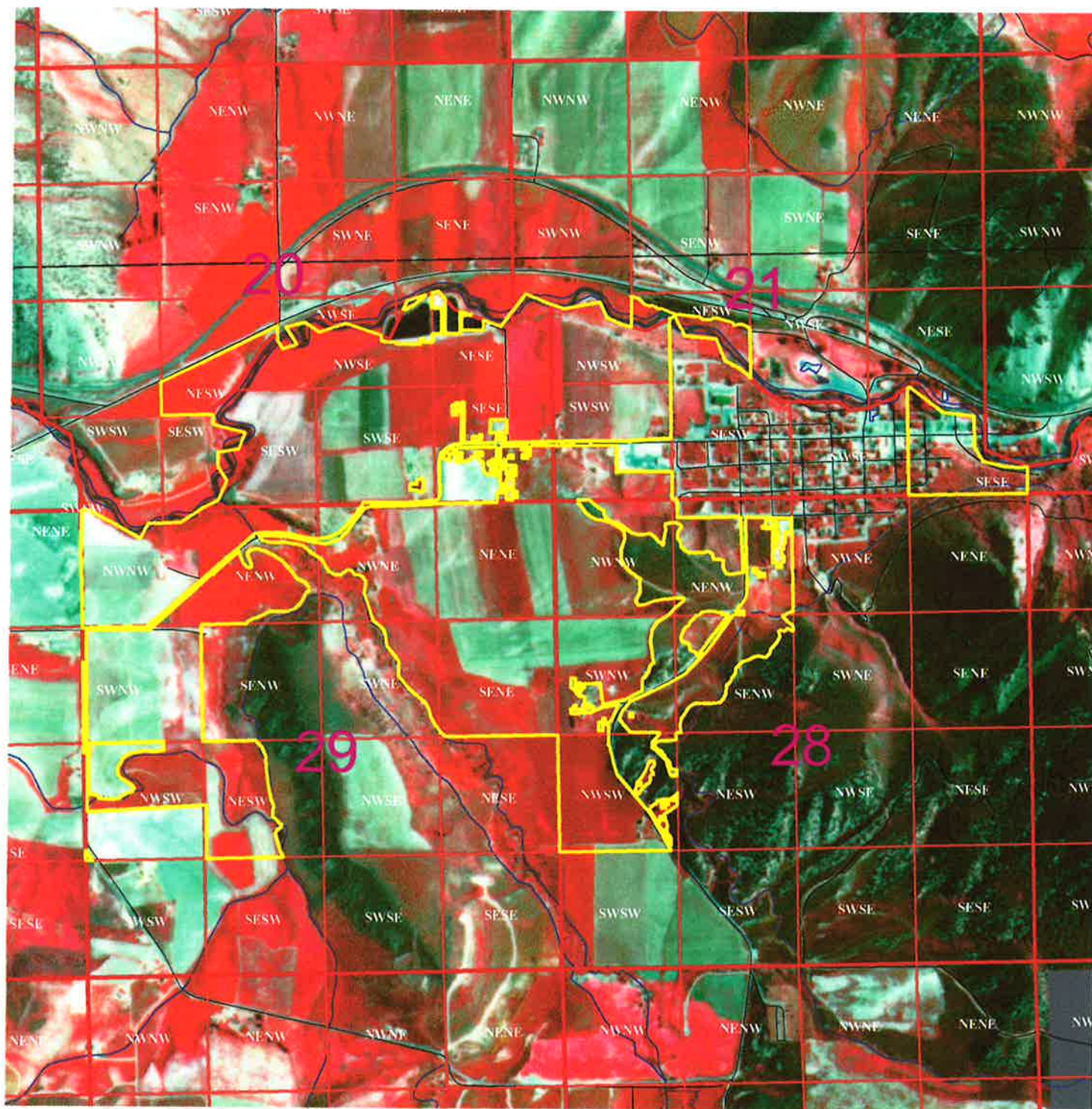
1000 0 1000 2000 Feet



Water Right Claim Number A29-11774

Township , 9S38E

09/12/2000



1000 0 1000 2000 Feet



FISH CREEK IRRIGATION COMPANY
Service Area Boundary

- Place of Use
- Township/Range
- Section
- Quarter/Quarter



1987-88 NAPP Photography
Date Prepared: November 19, 2001

0.1 0 0.1 0.2 0.3 0.4 Miles

20

20

29

09S38E

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-11774

FISH CREEK IRRIGATING CO
C/O WALLACE WHITEHEAD
PO BOX 152
LAVA HOT SPRINGS ID 83246
Telephone Number: (208)776-5253

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Amend SOW to 4/1 to 10/31 *OK*

2. Describe the changes you wish to make in the proposed recommendation:

Correct CFS $\Rightarrow$ Part of conveyance loss

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

3/3/03

SIGNATURE

Wallace K. Whitehead

Please print your name:

WALLACE K. WHITEHEAD
WHITEHEAD

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

29-11774 BU BKT SOLI claim.

I. Claimers AS 9/16 to 11/15 - DPT STD DON'T GO PAST 10/31.

A.) 3/20/02 CARNO WALLACE WHITEHEAD TO INQUIRE ABOUT SOLI practice - He says they DON'T USE WATER 4/1 to 4/15 DUE TO DITCH CLOSING - I ADVISED CLAIM IS FROM 9/16 TO 11/15 BUT DPT STD RUNS TO 10/31 - He's OK w/ THAT BUT NOT INTERESTED IN 4/1 to 4/15 -

RECOMMEND SOLI AS 9/16 TO 10/31. PER CONVERSATION.

II. No PPU w/ 29-147 DUE TO SOLI timing

A.) NO OTHER RIGHTS FOR FISH CH FRIING.

III. Contractor work IS USELESS - POD (685 coord's) ARE WRONG & PHOTO AND CERRAL DRAMS. MEASUREMENT IS BS - ORIGINAL 29-00147 IS FOR 6[¢] cfs AND THUS 29-11774 IS 50 CLAIMS ————— 50 RECOMMENDS

IV. Priority Date recommended AS Aug 7, 1932. SEE AFFIDAVIT.

V. Claims 6[¢] cfs $\Rightarrow @ 0.02 \times 243^2 AC = 4.866 \Rightarrow 4.9$ cfs for FRIING. ALLOWED 1.1 cfs FOR CONVEY LOSS

I Dean Day do solemnly testify that I know that the farm land immediately west of Lava Hot Springs Idaho was being irrigated in 1930.

That water had to come from the Fish Creek Irrigation Company as that company was organized and delivering water to said property. The Dempsey Irrigation Company was also.

Signed--- *Dean Day*

Date - 12/14/01

AFFIDAVIT

I WALLACE WHITEHEAD, this date MAR 31, 95, do solemnly state that I have used the water from Fish Creek Irrigation Company on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15 to late October, and on some years until November 15.

The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

In witness herewith I WALLACE WHITEHEAD affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Fish Creek Irrigation Company. I also affirm that I have been using this water since 1949.

Wallace Whitehead MAR 31, 1995
Signature Date

Katherine Howell 3-31-95
Witness Date

Subscribed and sworn before me this 31st day of March 1995.



Katherine A. Smith
Notary Public
Residing at Lava Hot Springs, Idaho
My commission expires 04-16-2000

AFFIDAVIT

I EARL H SMITH, this date 31 MARCH, 1995, do solemnly state that I have used the water from Fish Creek Irrigation Company on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15, to late October, and on some years until November 15.

The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

In witness herewith I EARL H SMITH affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Fish Creek Irrigation Company. I also affirm that I have been using this water since 1977.

Earl H. Smith 3/31/95
Signature Date

Witness Date

Subscribed and sworn before me this 31st day of MARCH 1995.

Larry A. Smith
Notary Public
Residing at Lava Hot Springs, Idaho
My commission expires 8-16-2000

T9S R38E

NWSE
20.3

NESE
19.6

Lot 4
NWSW
21.3

SWSE
29.6

SESE
26.3

SWSW
24.9

SESW
20.4

NENW
0.7

20

21

29

28

Fish Creek Irrig. Co.
POU 243.3 acres

NWNE
19.9

NENE
38.8

NWNW
21.5



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 11774
POD ID 208270
Quad Sedwick Peak
Claim Type
Easting 665538
Northing 170364
GPSID A0012518

Diversion Description

2 DIVERSIONS one North, and one South. It appears that the diversion facing from the North is supplementing the southern diversion and the creek. POD is a diversion from Fish Creek via a buried 12" PVC pipe. It appears that the creek is dammed with natural material to divert water through the 12 inch PVC pipe into a channel through a corner of a corral and outlying pasture. Channel is 6 ft across with a 1:1 slope to a depth of 4 ft. Placed GPS ID tag on RR tie fence post near where access road splits.

Assumptions

Assume that depth of water above orifice centerline could be up to 1 foot (assuming creek is dammed to divert water).

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin)
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

POD ID 208270 01.JPG POD ID 208270 03.JPG

Photos

POD ID 208270 02.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

3.7167607145201

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter 1

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity 0

☒ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 1

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	Concrete lined	.016
	Smooth earth	.025
	Earth	.033
	Rough bed, weeds on sides	.04
	Smooth natural stream	.033
	Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

Actual POD of Fish Cr is @
665307 EASTING
170410 NORTHING.
See Photo P3-Attached.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2001

Fish Creek Irrigating Co.
c/o Wallace Whitehead
P.O. Box 152
Lava Hot Springs ID 83246

RE: EVIDENCE OF PRIORITY FOR A29-11774

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary evidence to support the priority date.**

The above referenced claim to a water right claims a March 1, 1893, priority date from Fish Creek. This claim predates the 1932 (final amendment) Union Grain and Elevator Co. vs McCammon Canal Co. et al.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Cheri Undermeulen

for

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice(s) of Claim A29-11774

MAY 18 2001

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: CONSUMPTIVE USE:	6.000 CFS 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		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
✓09S	38E	20	:									10			23	20	24	36	29	141.0	
✓09S	38E	21	:									05	20	32					45	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 respectively submitted as requested per your letter of Jan 3, 1995.

This information is referenced to corresponding water right 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 BENEFICALLY EVERY YEAR FOR NEXT YEARS CROPS, & ESPECIALLY ON DROUGHT YEARS WHEN WE DONT HAVE WATER DURING IRRIGATING SEASON.

MICROFILMED

NOV 14 1996

RECEIVED

MAR 27 1995

Department of Water Resources
Eastern District Office

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

NOV 11 4 1995

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—

RECEIVED

MAR 27 1995

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

(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.

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

.2 c. f. s.

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

MAY 18 2001

NOTE 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: [Signature]

RECEIVED

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 of	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 of	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

A291774



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 D. Bergendorf
Notary Public

Seal

Residing at LAVA HOT SPRINGS

My Commission Expires LIFETIME