

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: A29-00036
Date Received: 4/04/1990
Receipt No: 6012793
Received By: EBV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEMPSEY IRRIGATING CO. 208-776-5348
Address: C/O EARL SMITH
P.O. BOX 235
LAVA HOT SPRINGS, ID 83246
AND
Name: TOPAZ IRRIGATION CO. 208-776-5348
Address: C/O GENE FAGNANT
P.O. BOX 293
LAVA HOT SPRINGS, ID 83246

A2900036



2. Date of Priority: APR 18, 1898

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	38E	28	SW	NE	SW		BANNOCK

5. Description of diverting works:
HEADGATE IN STREAM TO DELIVERY CANALS. SHARE COMMON HEADING.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	32.000		

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

8. Total consumptive use is 4052.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING.

A29-00036

Page 1

Date: 04/04/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	37E	22	SW	SE		IRR	16.0
			SE	SE		IRR	32.0
						Section Acres	48.0
		23	NE	SW		IRR	33.0
			NW	SW		IRR	21.0
			SW	SW		IRR	25.0
			SE	SW		IRR	24.0
			NE	SE		IRR	11.0
			NW	SE		IRR	30.0
			SW	SE		IRR	40.0
			SE	SE		IRR	20.0
						Section Acres	204.0
		25	NE	NE		IRR	5.0
			SE	NE		IRR	15.0
			NE	NW		IRR	12.0
			NW	NW		IRR	14.0
						Section Acres	46.0
		26	NE	NE		IRR	11.0
			NW	NE		IRR	9.0
			NW	NW		IRR	22.0
						Section Acres	42.0
		27	NE	NE		IRR	25.0
						Section Acres	25.0
	38E	10	NE	NW		IRR	4.0
			NW	NW		IRR	13.0
			SW	NW		IRR	23.0
			NE	SW		IRR	8.0
			NW	SW	1	IRR	30.0
			SW	SW	2	IRR	5.0
			SE	SW		IRR	22.0
						Section Acres	105.0
		15	NE	NW		IRR	25.0
			NW	NW	1	IRR	12.0
			SW	NW		IRR	13.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	38E	15	NE		SW		IRR	8.0
			NW		SW		IRR	32.0
			SW		SW	2	IRR	5.0
			SE		SW	3	IRR	11.0
							Section Acres	106.0
		19	NW		SE		IRR	40.0
			SW		SE		IRR	15.0
			SE		SE		IRR	30.0
							Section Acres	85.0
		20	NE		SW		IRR	10.0
			SE		SW		IRR	23.0
			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
		22	NW		NE	1	IRR	10.0
			SW		NE	3	IRR	25.0
			NE		NW	2	IRR	17.0
			SE		NW		IRR	1.0
			SW		SW	10	IRR	4.0
			NE		SE		IRR	1.0
			NW		SE	4	IRR	2.0
			SE		SE		IRR	12.0
							Section Acres	72.0
		23	SW		SW		IRR	1.0
							Section Acres	1.0
		26	NW		NW		IRR	2.0
							Section Acres	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	27	NE	NE		IRR	2.0
						Section Acres	2.0
		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
		30	NE	NE		IRR	38.0
			NW	NE		IRR	26.0
			SW	NE		IRR	38.0
			SE	NE		IRR	30.0
			NE	NW		IRR	9.0
			NW	NW		IRR	34.0
			SW	NW		IRR	25.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	6.0
			NE	SE		IRR	33.0
			SE	SE		IRR	26.0
						Section Acres	345.0
		33	NE	NW		IRR	6.0
						Section Acres	6.0
						Total Acres	1621.0

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:
29-00037, 00180, 00147

14. Remarks:

AMT. OF 32CFS AS PER MEMORANDUM DECISION #2203.

*** BOTH CANAL COMPANIES SHARE THESE RIGHTS. THEY ARE DELIVERED THROUGH A COMMON CANAL SYSTEM. COMPANIES ARE RESPONSIBLE FOR DELIVERY OF WATER TO SHARE HOLDERS. THE FISH CREEK IRRIGATING COMPANY ALSO USES THIS DELIVERY SYSTEM. 51% BELONGS TO TOPAZ IRRIGATION COMPANY.

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

MICROFILMED

NOV 13 1992

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: 3

For Organizations:

I do solemnly swear, or affirm that I am Secretary of
Title
Topaz Irrigation Co., that I have signed the foregoing
Organization
document in the space below as Secretary of
Title
Topaz Irrigation Co. and that the statements contained in the
Organization
foregoing document are true and correct.

Gene Tognant
Signature of Authorized Agent
Secretary, Topaz Irrigation Co.
Title and Organization
4/4/90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of April 19 90

[Signature]
Notary Public

Seal

Residing at Hot Falls, Id.
My Commission Expires 22 Aug 1994

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

Number of attachments: 3

For Organizations:

I do solemnly swear or affirm that I am Secretary of

Dempsey Irrigating Co., that I have signed the foregoing
Organization document in the space below as Secretary of

Dempsey Irrigating Co. and that the statements contained in the
Organization foregoing document are true and correct.

Carl H. Smith
Signature of Authorized Agent

Secretary
Title and Organization

4/4/90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of April 19 90

[Signature]
Notary Public

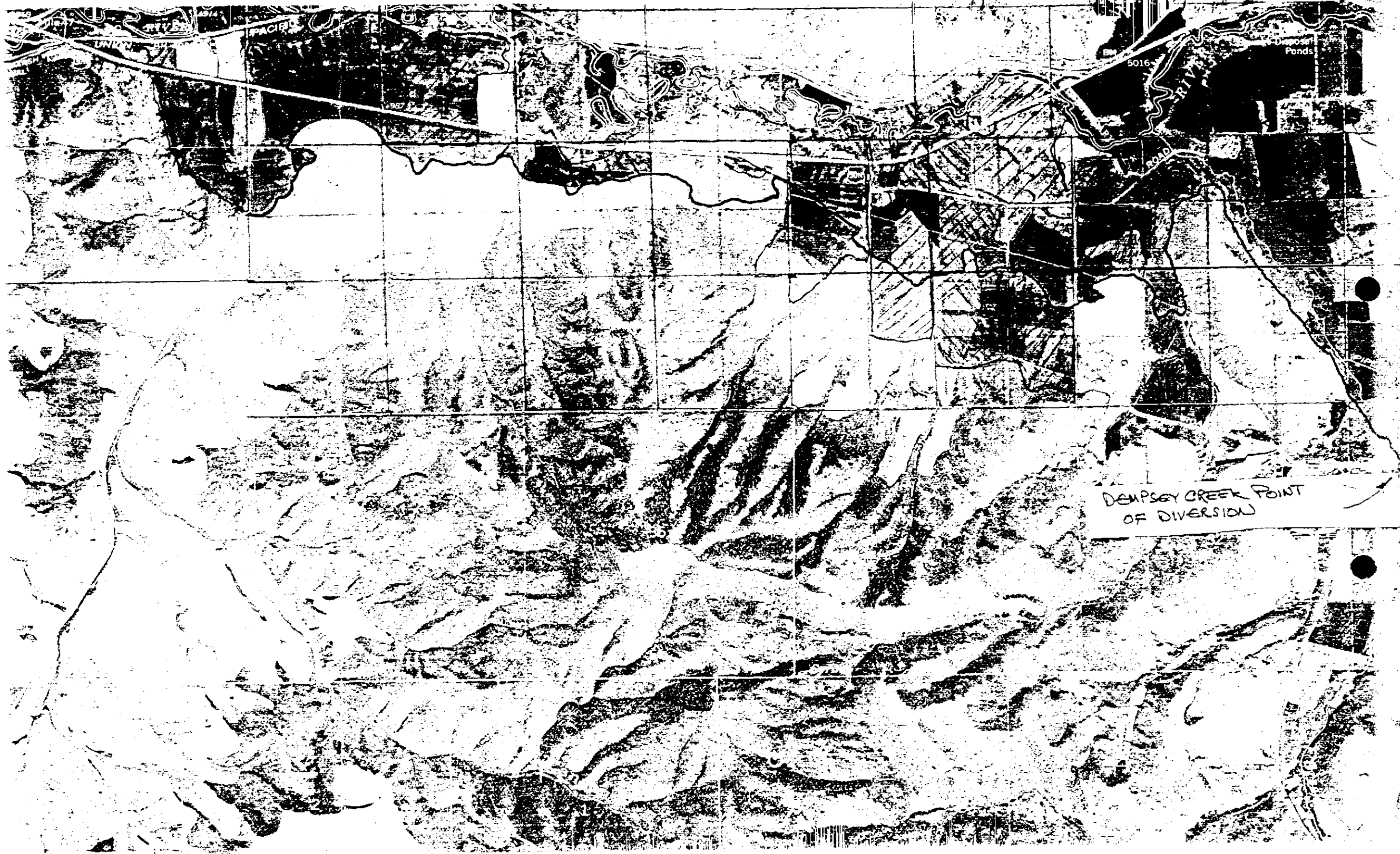
Seal

Residing at Idaho Falls, ID.

My Commission Expires 22 Aug 1994

POINT OF DIVERSION
CANAL HEADING





Water Right Number - 29-00036

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

DEMPSEY IRRIGATING CO.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

TOPAZ IRRIGATION CO.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/18/1898 15 EASTERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
PORTNEUF RIVER SNAKE RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
08S 38E 28 NE SW (5) BANNOCK+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 09/15 32.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
32.000 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
09S 38E 9 SW NE 2 01 IRRIGATION (5) BANNOCK
09S 38E 9 SE NE 3 01 IRRIGATION (5) BANNOCK
09S 38E 9 NE SE 6 01 IRRIGATION (5) BANNOCK
09S 38E 9 NW SE 01 IRRIGATION (5) BANNOCK
09S 38E 10 NW NW 01 IRRIGATION (5) BANNOCK
09S 38E 10 SW NW 01 IRRIGATION (5) BANNOCK
09S 38E 10 NE SW 01 IRRIGATION (5) BANNOCK
09S 38E 10 NW SW 1 01 IRRIGATION (5) BANNOCK
09S 38E 10 SW SW 2 01 IRRIGATION (5) BANNOCK
09S 38E 10 SE SW 01 IRRIGATION (5) BANNOCK
09S 38E 15 NE NW 01 IRRIGATION (5) BANNOCK
09S 38E 15 NW NW 1 01 IRRIGATION (5) BANNOCK
09S 38E 15 SW NW 01 IRRIGATION (5) BANNOCK
09S 38E 15 NE SW 01 IRRIGATION (5) BANNOCK
09S 38E 15 NW SW 01 IRRIGATION (5) BANNOCK
09S 38E 15 SW SW 2 01 IRRIGATION (5) BANNOCK

Water right number - 29-00036

Prefix Translation: WATER RIGHT

+ - - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	38E	15	SE SW	3		01	IRRIGATION	(5) BANNOCK
09S	38E	16	SE NE	1		01	IRRIGATION	(5) BANNOCK
09S	38E	20	NE SE	1		01	IRRIGATION	(5) BANNOCK
09S	38E	20	NW SE	2		01	IRRIGATION	(5) BANNOCK
09S	38E	20	SW SE			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	NW NE	1		01	IRRIGATION	(5) BANNOCK
09S	38E	22	SW NE	3		01	IRRIGATION	(5) BANNOCK
09S	38E	22	NE NW	2		01	IRRIGATION	(5) BANNOCK
09S	38E	22	SW SW	10		01	IRRIGATION	(5) BANNOCK
09S	38E	22	NE SE			01	IRRIGATION	(5) BANNOCK
09S	38E	22	NW SE	4		01	IRRIGATION	(5) BANNOCK
09S	38E	22	SE SE			01	IRRIGATION	(5) BANNOCK
09S	38E	28	NW NE			01	IRRIGATION	(5) BANNOCK
09S	38E	28	NE NW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	NW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	SW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	SE NW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	NW SW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	SW SW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	SE SW			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	SW NE			01	IRRIGATION	(5) BANNOCK
09S	38E	29	SE NE			01	IRRIGATION	(5) BANNOCK
09S	38E	29	NE SE			01	IRRIGATION	(5) BANNOCK
09S	38E	29	NW SE			01	IRRIGATION	(5) BANNOCK
09S	38E	32	SW SE			01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN AMT. OF 32CFS AS PER MEMORANDUM DECISION #2203.
ACRES IRR. - 831.16.
P/U INCOMPLETE.

*DETERM SPECIFICIES SUCH
DELIVERY LANGUAGE AS
TO PERIOD, QUANT & SOURCES*

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

No Old Water Right Numbers found.

Water right number - 29-00036

Prefix Translation: WATER RIGHT

+ - - - - 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 - 07/15/85 05/22/88 CONVERT 02/06/98 CLEARFLD

+ - - - - 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 A29-00036

Spatial Dynamics AMH

7/31/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	22	SWSE	16	40	Indiscernable
09s37e	22	SESE	32	33	
09s37e	23	NESW	33	43	
09s37e	23	NWSW	21	34	
09s37e	23	SWSW	25	26	
09s37e	23	SESW	24	22	
09s37e	23	NESE	11	28	Indiscernable
09s37e	23	NWSE	30	33	
09s37e	23	SWSE	40	37	
09s37e	23	SESE	20	37	
09s37e	25	NENE	5	4	
09s37e	25	SENE	15	11	
09s37e	25	NENW	12	17	
09s37e	25	NWNW	14	22	
09s37e	26	NENE	11	10	
09s37e	26	NWNE	9	7.2	
09s37e	26	NWNW	22	26	
09s37e	27	NENE	25	38	
09s38e	10	NENW	4	40	Indiscernable
09s38e	10	NWNW	13	40	Indiscernible
09s38e	10	SWNW	23	16	
09s38e	10	NESW	8	9.4	
09s38e	10	NWSW	30	30	
09s38e	10	SWSW	5	17	Indiscernible
09s38e	10	SESW	22	27	
09s38e	15	NENW	25	2.1	Indiscernible
09s38e	15	NWNW	12	20	Indiscernable
09s38e	15	SWNW	13	21	Indiscernable
09s38e	15	NESW	8	5.5	
09s38e	15	NWSW	32	34	
09s38e	15	SWSW	5	10	Indiscernible
09s38e	15	SESW	11	19	
09s38e	19	NWSE	40	38	
09s38e	19	SWSE	15	19	
09s38e	19	SESE	30	32	
09s38e	20	NESW	10	13	
09s38e	20	SESW	23	31	Indiscernible
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	15	20	
09s38e	22	NWNE	10	7.8	
09s38e	22	SWNE	25	19	
09s38e	22	NENW	17	15	

Log for claim A29-00036

Spatial Dynamics AMH

7/31/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	22	SENW	1	4.3	Indiscernable
09s38e	22	SWSW	4	19	Indiscernable
09s38e	22	NESE	1	38	Indiscernable
09s38e	22	NWSE	2	28	Indiscernable
09s38e	22	SESE	12	38	Indiscernable
09s38e	23	SWSW	1	15	Indiscernible
09s38e	26	NWNW	2	39	Indiscernible
09s38e	27	NENE	2	40	Indiscernible
09s38e	28	NENW	6	20	Indiscernable
09s38e	28	NWNW	24	30	
09s38e	28	SWNW	27	32	
09s38e	28	SENW	10	18	
09s38e	28	NWSW	3	28	Indiscernable
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	Indiscernible
09s38e	29	NWSW	16	16	
09s38e	30	NENE	38	40	
09s38e	30	NWNE	26	37	
09s38e	30	SWNE	38	39	
09s38e	30	SENE	30	35	
09s38e	30	NENW	9	22	Indiscernible
09s38e	30	NWNW	34	32	
09s38e	30	SWNW	25	26	
09s38e	30	SENW	40	40	
09s38e	30	NESW	40	40	
09s38e	30	NWSW	6	34	Indiscernible
09s38e	30	NESE	33	38	
09s38e	30	SESE	26	26	
09s38e	33	NENW	6	15	Indiscernible
Totals:			1621	2180.9	

AJ5809NP
No. A29-00036

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DEMPSEY IRRIGATING CO C/O EARL SMITH PO BOX 235 LAVA HOT SPRINGS ID 83246 (208) 776-5348	04/18/1898	IRRIGATION	04-15 09-15	32.000 CFS	
				TOTAL DIVERSION:	32.000 CFS	
				CONSUMPTIVE USE:		4052.50 AFA
C	TOPAZ IRRIGATION CO C/O GENE FAGNANT PO BOX 293 LAVA HOT SPRINGS ID 83246 (208) 776-5348					

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T08S R38E S28

SWNESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE													
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE			
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	Lt	Ac	SUM	
09S	37E	22	:								:																48.0	
09S	37E	23	:								:																204.0	
09S	37E	25	:		05				15		:		12	14				33	21	25	24	:		11	30	40	20	46.0
09S	37E	26	:		11	09					:			22								:					42.0	
09S	37E	27	:		25						:											:					25.0	
09S	38E	10	:								:		04	13	23			08	01-30	02-05	22	:					105.0	
09S	38E	15	:								:		25	01-12	13			08	32	02-05	03-11	:					106.0	
09S	38E	19	:								:											:					85.0	
09S	38E	20	:								:							10			23	:		20	21	38	29	141.0
09S	38E	21	:								:							05	20	32		:				15	72.0	
09S	38E	22	:		01-10	03-25					:		02-17			01				10-04		:		01	04-02		12	72.0
09S	38E	23	:								:									01		:						1.0
09S	38E	26	:								:			02								:						2.0
09S	38E	27	:								:											:						2.0
09S	38E	28	:								:		06	24	27	10				03		:						70.0
09S	38E	29	:		40	35	15	40			:		23	30	40			10	16			:						249.0
09S	38E	30	:		38	26	38	30			:		09	34	25	40		40	06			:		33		26		345.0
09S	38E	33	:								:		06									:						6.0
																								TOTAL ACRES	1621.0			

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATERING.

Other Rights: 29-00037, 00180, 00147

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

AJ5809NP
No. A29-00036

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 7

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A29-00032 A29-00035 A29-00037 A29-00046 A29-11773 A29-12078 A29-12079

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

A29-00037	A29-00047A	A29-00048	A29-00147	A29-00152	A29-00152A	A29-00153	A29-00153A	A29-00158	A29-00158A
A29-00158B	A29-00158C	A29-00158D	A29-00158E	A29-00159	A29-00159A	A29-00159B	A29-00159C	A29-00160	A29-00160A
A29-00163	A29-00170	A29-00171	A29-00174	A29-00175	A29-00180	A29-00182	A29-00182A	A29-00182B	A29-00183
A29-00184	A29-02378	A29-02452	A29-04272	A29-04467	A29-07241	A29-07393	A29-07530	A29-10073	A29-10074
A29-10816	A29-10831	A29-10833	A29-10848	A29-11773	A29-11774	A29-12064			

Remarks: GEN AMT. OF 32CFS AS PER MEMORANDUM DECISION #2203.
*** BOTH CANAL COMPANIES SHARE THESE RIGHTS. THEY ARE DELIVERED
THROUGH A COMMON CANAL SYSTEM. COMPANIES ARE RESPONSIBLE FOR
DELIVERY OF WATER TO SHARE HOLDERS. THE FISH CREEK IRRIGATING
COMPANY ALSO USES THIS DELIVERY SYSTEM.
51% OF THIS RIGHT IS CURRENTLY USED BY THE TOPAZ IRRIGATION CO.

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 04/01/94 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
Dempsey Irrig Co.

MICROFILMED

NOV 13 1992