

1000-1000
JULY 1988 - 129-10-12800
1000

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: A29-00180
Date Received: 4/04/1990
Receipt No: EO12794
Received By: SW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: APR 01, 1883

3. Source: DEMPSEY CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	33	SW	NW	NW		BANNOCK

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	13.440		

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

8. Total consumptive use is 2317.5 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	37E	22	SW	SE		IRR	16.0
			SE	SE		IRR	32.0

Section Acres 48.0

A29-00180

Page 1

Date: 04/04/90

A2900180



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NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	37E	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	19	NW		SE		IRR	40.0
			SW		SE		IRR	15.0
			SE		SE		IRR	30.0
							Section Acres	85.0
		28	NW		SW		IRR	3.0
							Section Acres	3.0
		29	NW		NE		IRR	10.0
			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	129.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	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
						Total Acres	927.0

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, 00036,

14. Remarks:
COMPANY IS RESPONSIBLE FOR DELIVERY OF WATER TO SHAREHOLDERS.

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

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: 1

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

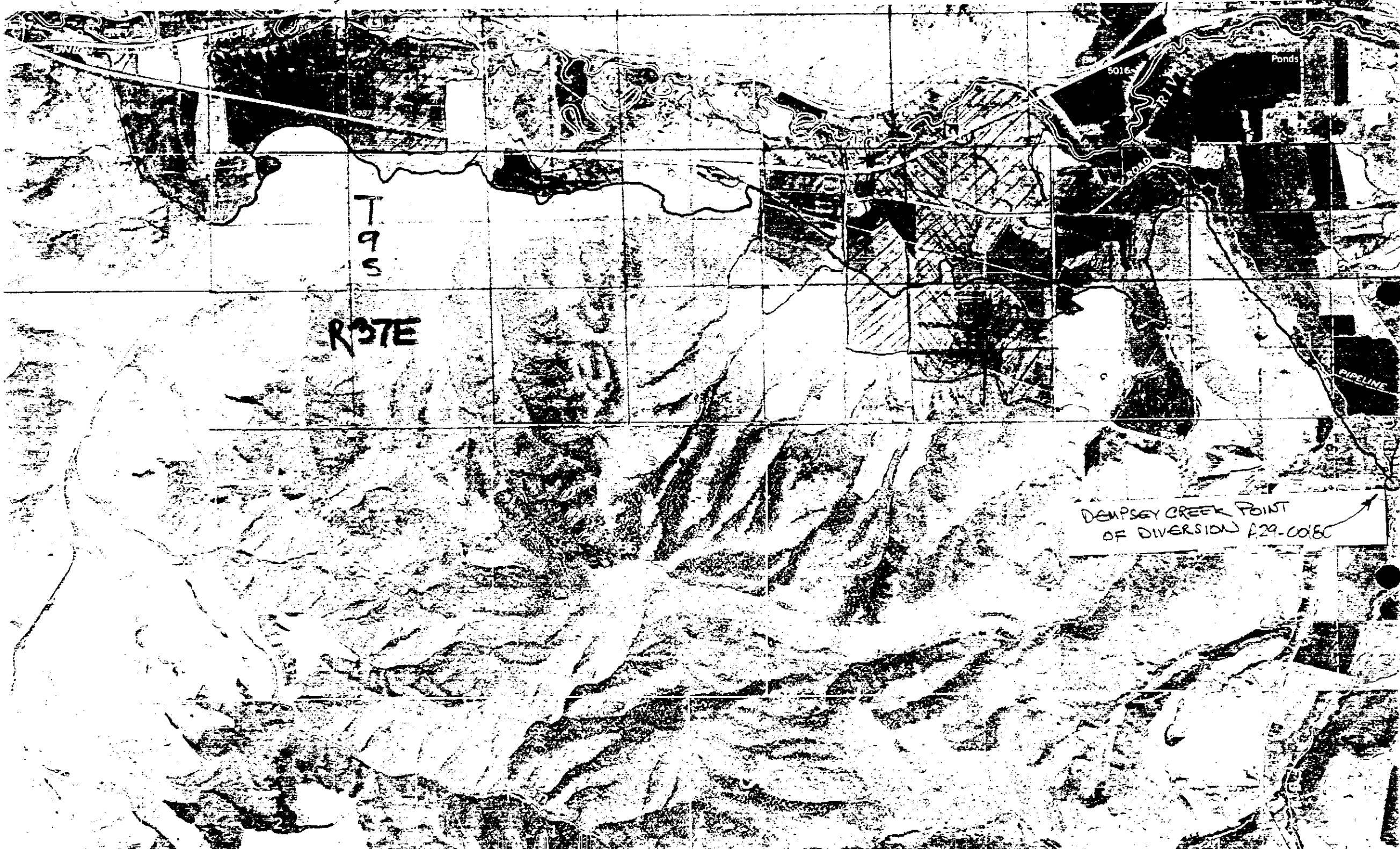
State of Idaho)
County of Bonneville) SS.

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

[Signature]
Notary Public

Seal

Residing at Quake Falls, ID.
My Commission Expires 22 Aug 1994



T
9
S

ROUTE

DEMPSEY CREEK POINT
OF DIVERSION A29-00180

5016

ROAD

Ponds

PIPELINE

Water Right Number - 29-00180

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

TOPAZ IRRIGATION CO.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1883 15 EASTERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
DEMPSEY CREEK PORTNEUF RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
09S 38E 33 NW NW (5) BANNOCK+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 09/15 13.440+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
13.440 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
09S 27E 25 NE NE 01 IRRIGATION (5) BANNOCK
09S 27E 25 NW NE 01 IRRIGATION (5) BANNOCK
09S 37E 22 NE SW 7 01 IRRIGATION (5) BANNOCK
09S 37E 22 NW SW 8 01 IRRIGATION (5) BANNOCK
09S 37E 22 SW SW 01 IRRIGATION (5) BANNOCK
09S 37E 22 SE SW 01 IRRIGATION (5) BANNOCK
09S 37E 22 NE SE 5 01 IRRIGATION (5) BANNOCK
09S 37E 22 NW SE 6 01 IRRIGATION (5) BANNOCK
09S 37E 22 SW SE 01 IRRIGATION (5) BANNOCK
09S 37E 22 SE SE 01 IRRIGATION (5) BANNOCK
09S 37E 23 NE SE 5 01 IRRIGATION (5) BANNOCK
09S 37E 23 NW SE 6 01 IRRIGATION (5) BANNOCK
09S 37E 23 SW SE 01 IRRIGATION (5) BANNOCK
09S 37E 23 SE SE 01 IRRIGATION (5) BANNOCK
09S 37E 24 NW SW 7 01 IRRIGATION (5) BANNOCK
09S 37E 24 SW SW 01 IRRIGATION (5) BANNOCK
09S 37E 24 SE SW 01 IRRIGATION (5) BANNOCK
09S 37E 24 SW SE 6 01 IRRIGATION (5) BANNOCK
09S 37E 24 SE SE 5 01 IRRIGATION (5) BANNOCK
09S 37E 25 NE NW 01 IRRIGATION (5) BANNOCK
09S 37E 25 NW NW 01 IRRIGATION (5) BANNOCK

Water right number - 29-00180

Prefix Translation: WATER RIGHT

+ - - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	37E	25	SW NW			01	IRRIGATION	(5) BANNOCK
09S	37E	25	SE NW			01	IRRIGATION	(5) BANNOCK
09S	37E	26	NE NE			01	IRRIGATION	(5) BANNOCK
09S	37E	26	NW NE			01	IRRIGATION	(5) BANNOCK
09S	37E	26	NE NW			01	IRRIGATION	(5) BANNOCK
09S	37E	26	NW NW			01	IRRIGATION	(5) BANNOCK
09S	37E	26	SW NW			01	IRRIGATION	(5) BANNOCK
09S	37E	27	NE NE			01	IRRIGATION	(5) BANNOCK
09S	37E	27	NW NE			01	IRRIGATION	(5) BANNOCK
09S	37E	27	SW NE			01	IRRIGATION	(5) BANNOCK
09S	37E	27	SE NE			01	IRRIGATION	(5) BANNOCK
09S	37E	27	NE NW			01	IRRIGATION	(5) BANNOCK
09S	37E	27	SE NW			01	IRRIGATION	(5) BANNOCK
09S	37E	33	SW SW			01	IRRIGATION	(5) BANNOCK
09S	37E	33	SE SW			01	IRRIGATION	(5) BANNOCK
09S	38E	19	SW SW	3		01	IRRIGATION	(5) BANNOCK
09S	38E	19	SW SE	2		01	IRRIGATION	(5) BANNOCK
09S	38E	19	SE SE	1		01	IRRIGATION	(5) BANNOCK
09S	38E	20	SE SW	3		01	IRRIGATION	(5) BANNOCK
09S	38E	29	NE NW	1		01	IRRIGATION	(5) BANNOCK
09S	38E	29	NW NW	2		01	IRRIGATION	(5) BANNOCK
09S	38E	29	SW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	29	SE NW			01	IRRIGATION	(5) BANNOCK
09S	38E	30	NE NE			01	IRRIGATION	(5) BANNOCK
09S	38E	30	NW NE			01	IRRIGATION	(5) BANNOCK
09S	38E	30	SW NE			01	IRRIGATION	(5) BANNOCK
09S	38E	30	SE NE			01	IRRIGATION	(5) BANNOCK
09S	38E	30	NE NW			01	IRRIGATION	(5) BANNOCK
09S	38E	30	NW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	30	SW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	30	SE NW			01	IRRIGATION	(5) BANNOCK
09S	38E	30	SE SW			01	IRRIGATION	(5) BANNOCK
09S	38E	30	NE SE			01	IRRIGATION	(5) BANNOCK
09S	38E	30	NW SE			01	IRRIGATION	(5) BANNOCK
09S	38E	30	SW SE			01	IRRIGATION	(5) BANNOCK
09S	38E	30	SE SE			01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN P/U INCOMPLETE - SEE DECREE.
ACRES IRR. 1144.02.

Water right number - 29-00180

Prefix Translation: WATER RIGHT

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

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - 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 - 08/18/86 05/22/88 CONVERT

+ - - - - 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 A29-00180

Spatial Dynamics AMH

8/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	22	SWSE	16	40	Indiscernible
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	
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	19	NWSE	40	38	
09s38e	19	SWSE	15	19	
09s38e	19	SESE	30	32	
09s38e	28	NWNW	3	30	Indiscernible
09s38e	28	NWSW	3	28	
09s38e	29	NWNE	10	32	
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	
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	
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	
09s38e	30	NESE	33	38	
09s38e	30	SESE	26	26	
Totals:			930	1200.2	

AJ5809NP
No. A29-00180

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 68

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TOPAZ IRRIGATION CO C/O GENE FAGNANT PO BOX 293 LAVA HOT SPRINGS ID 83246 (208) 776-5348	04/01/1883	IRRIGATION	04-15 09-15	13.440 CFS	
TOTAL DIVERSION:					13.440 CFS	
CONSUMPTIVE USE:						2317.50 AFA

Water Source: DEMPSEY CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T09S R38E S33 SWNNW

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	:	SUM			
09S	37E	22	:															16	32	:	48.0			
09S	37E	23	:											33	21	25	24		11	30	40	20	204.0	
09S	37E	25	:	05				15		12	14												46.0	
09S	37E	26	:	11		09					22												42.0	
09S	37E	27	:	25																			25.0	
09S	38E	19	:															40	15	30			85.0	
09S	38E	28	:											03									3.0	
09S	38E	29	:			10				23	30	40		10	16								129.0	
09S	38E	30	:	38	26	38	30		09	34	25	40		40	06			33			26		345.0	
TOTAL ACRES																								927.0

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATERING.

Other Rights: 29-00037, 00036,

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

A29-00036	A29-00037	A29-00047A	A29-00048	A29-00147	A29-00158	A29-00158A	A29-00158B	A29-00158C	A29-00158D
A29-00158E	A29-00159	A29-00159A	A29-00159B	A29-00159C	A29-00174	A29-00175	A29-00182	A29-00182A	A29-00182B
A29-00183	A29-00184	A29-02378	A29-04467	A29-07241	A29-07393	A29-10816	A29-10831	A29-10833	A29-11773
A29-11774									

Remarks: GEN COMPANY IS RESPONSIBLE FOR DELIVERY OF WATER TO SHAREHOLDERS.

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 04/04/94 THOMPSON 03/29/95 POST-STD

APPENDAGE TO THE FILING OF WATER OF

*Topaz Irrigation Co.
Gene Taggart, Sec.*

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.

MICROFILMED

NOV 13 1992