

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: A29-00183  
Date Received: 4/04/1990  
Receipt No: E012800  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: FRANCIS G. FAGNANT 208-776-5290  
Address: PO BOX 644  
LAVA HOT SPRINGS, ID 83246  
OR  
Name: RUTH ANN OLSON 208-776-5289  
Address: PO BOX 644  
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: AUG 01, 1881

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 10S      | 38E   | 4       | SE     | SE     | SW     |     | BANNOCK |

5. Description of diverting works:  
HEADGATES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.200  |      |        |

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

8. Total consumptive use is 190.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A29-00183

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Date: 04/04/90

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10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot           | Use | Acres |
|----------|-------|---------|--------|-----|---------------|-----|-------|
| 09S      | 38E   | 29      | NE     | SW  |               | IRR | 16.0  |
|          |       |         | SE     | SW  |               | IRR | 28.0  |
|          |       |         |        |     | Section Acres |     | 44.0  |
|          |       | 32      | NE     | NW  |               | IRR | 20.0  |
|          |       |         | NW     | NW  |               | IRR | 12.0  |
|          |       |         |        |     | Section Acres |     | 32.0  |
|          |       |         |        |     | Total Acres   |     | 76.0  |

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:  
29-0184.

14. Remarks:

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

UNION GRAIN & ELEVATOR CO.  
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.  
Decree Defendant

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 A29-00183Date Received 4-4-90Receipt Number 6012800

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ruth Ann Olson and/or Francis G. Fagnant Phone (208 ) 776-5290/5289Mailing Address P. O. Box 644; Lava Hot Springs, Idaho Zip 832462. Date of Priority (Only one (1) per claim) August 1, 18813. Source of water supply (a) Dempsey Creek  
which is tributary to (b) Portneuf River4. a. Location of existing point of diversion is: Township 10S Range 38E Section 4,  
SE 1/4 of SE 1/4 of SW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of BANNOCK

Additional points of diversion if any: \_\_\_\_\_

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. \_\_\_\_\_

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov. 1 amount .2 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 190 acre feet per annum.

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.

| 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 |        |
| 9S  | 38E | 29  |        |       |       |       |        |       |       |       | 16     |       |       | 28    |        |       |       |       | 44     |
|     |     | 32  |        |       |       |       | 20     | 12    |       |       |        |       |       |       |        |       |       |       | 32     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 76

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

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

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.

Same ditch, additional decree March 1, 1894; 1.2 cfs 29-00184 or None ( )

14. Remarks:

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Last Name Olson and/or Fagnant Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree X #136

If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs 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 \_\_\_\_\_  
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments \_\_\_\_\_

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true  
and correct.

Signature of Claimant (s) Francis H. Fagnant Date 4/4/90  
\_\_\_\_\_  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_ Title \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing  
Organization \_\_\_\_\_

document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title \_\_\_\_\_ Organization \_\_\_\_\_

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

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of Bonneville ) SS.

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

SEAL

Notary Public [Signature]

Residing at Idaho Falls, ID.

My Commission Expires Aug 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ 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 \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

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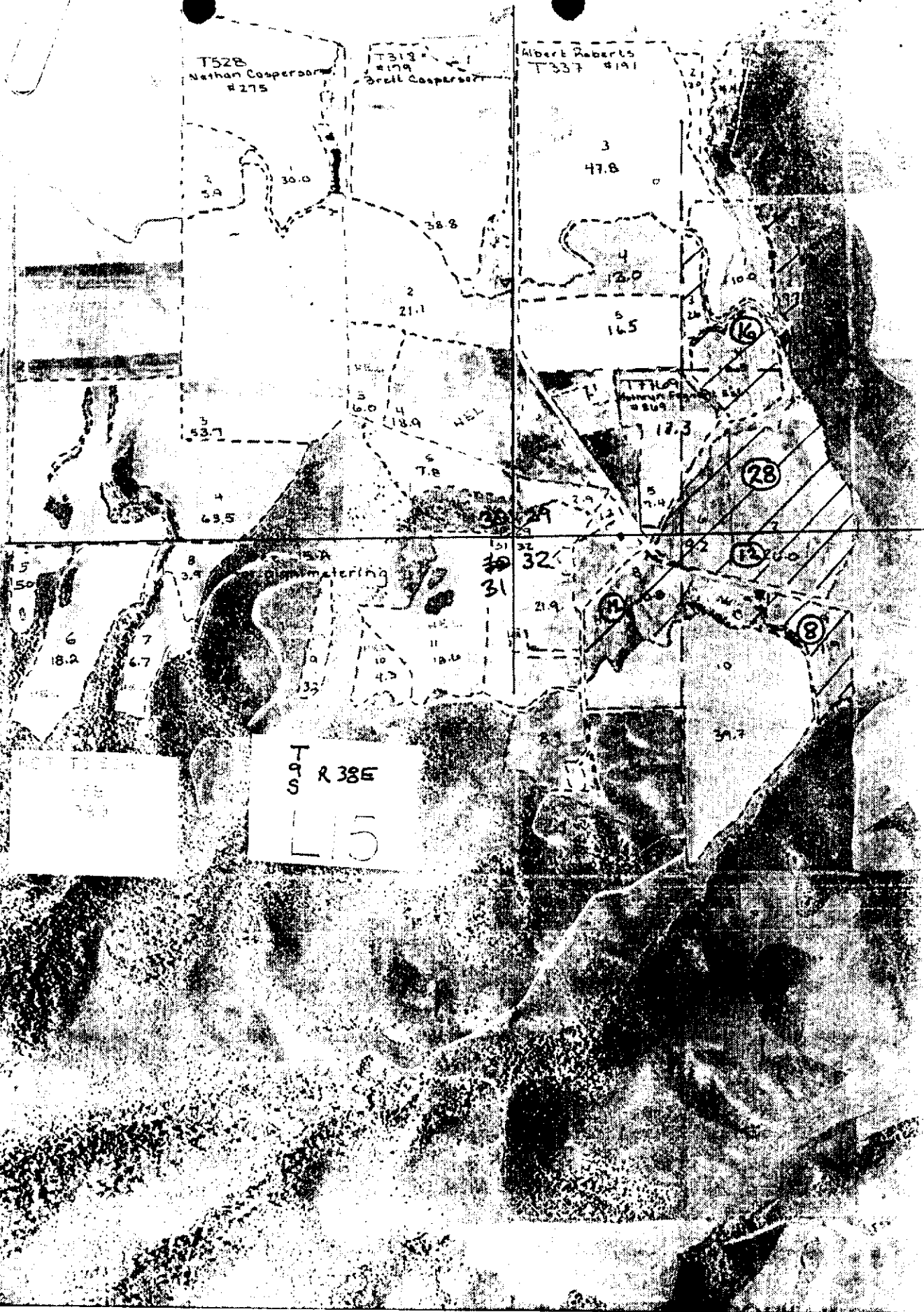
Copies White-State, Yellow-Claimant

R 38 E

T528  
Nathan Caspersen  
#275

T313  
#179  
Brett Caspersen

Albert Roberts  
T337 #191



T 528  
#275  
Nathan Caspersen

T  
9  
S R 38 E  
L15

microfilm

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Log for claim A29-00183

Spatial Dynamics AMH

8/8/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 09s38e         | 29  | NESW | 16               | 23             |         |
| 09s38e         | 29  | SESW | 28               | 35             |         |
| 09s38e         | 32  | NENW | 20               | 35             |         |
| 09s38e         | 32  | NWNW | 12               | 20             |         |
| <b>Totals:</b> |     |      | 76               | 113            |         |

AJ5809NP  
No. A29-00183

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00  
PAGE: 71

| OWNER<br>CODE | NAME & ADDRESS                                                              | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO                | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-----------------------------------------------------------------------------|------------------|------------|--------------------------------------|-------------------|---------------------|
| C             | RUTH ANN OLSON<br>PO BOX 644<br>LAVA HOT SPRINGS ID 83246<br>(208) 776-5289 | 08/01/1881       | IRRIGATION | 04-01 11-01                          | 0.200 CFS         |                     |
|               |                                                                             |                  |            | TOTAL DIVERSION:<br>CONSUMPTIVE USE: | 0.200 CFS         | 190.00 AFA          |

C FRANCIS G FAGNANT  
PO BOX 644  
LAVA HOT SPRINGS ID 83246  
(208) 776-5290

Water Source: DEMPSEY CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T10S R38E S04 SESESW

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 | 38E | 29 | : |    |    |    |    |    |    |    |    |    |    | 16 |    | 28 |    |    |             | : | 44.0 |
| 09S | 38E | 32 | : |    |    |    |    | 20 | 12 |    |    |    |    |    |    |    |    |    |             | : | 32.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES |   | 76.0 |

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-0184.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
29-11879 A29-00165 A29-00172 A29-00173 A29-00184 A29-11879

Other Water Rights Listing Overlapping Place(s) of Use:  
A29-00036 A29-00037 A29-00147 A29-00180 A29-00184 A29-02378 A29-11773 A29-11774

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 29 Field Inspection Flag:  
Presumption Flag:

Audit: 04/04/90 DCARLSON 04/04/94 THOMPSON 03/29/95 POST-STD