

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: A29-02378
Date Received: 4/04/1990
Receipt No: E012800
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

Name: FRANCIS G. FAGNANT 208-776-5289
Address: PO BOX 644
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: AUG 20, 1956

3. Source: SPRING Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	29	SE	NE	SW		BANNOCK

5. Description of diverting works:
DAM/ STEEL HEADGATE/ PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

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

8. Total consumptive use is 62.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-02378

Page 1

Date: 04/04/90

MICROFILMED
NOV 13 1992

A2902378



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	29	NE	SW		IRR	13.0
			SE	SW		IRR	12.0
					Section Acres		25.0
					Total Acres		25.0

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:
DEMPSEY CREEK

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 26551

50-
Ac. P. 129-00184IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A29-02378

Date Received

4-4-90

Receipt 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 20, 19563. Source of water supply (a) Springwhich is tributary to (b) Irrigation Canal4. a. Location of existing point of diversion is: Township 9X Range 38E Section 29,
SE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of BannockAdditional points of diversion if any: Place of use E $\frac{1}{2}$, SW $\frac{1}{4}$, Sec. 29, T9S R 38E

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. Small earthfilled dam, approximately 50' X 75'
X 4' deep, for overnight storage. Steel headgate with cement spillway. Pump with
small portable PTO pump & tractor.

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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 .5 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 62.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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									X ¹³								13
9S	38E	29												X ¹²					12
																	Total		25

Total number of acres irrigated 25

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.

Occasionally flood water from Right #136, decreed water from Dempsey Creek (.2cfs - August 1, 1881 & 1.2 cfs March 1, 1894). or None ()

14. Remarks:

Additional information: License and Certificate of Water Right, License No. 26551; issued to Arthur J. Fagnant; Recorded November 18, 1959 in Book 11 of Licenses, Page 6824

Warranty Deed 892886 to Ruth Ann Olson and Francis G. Fagnant

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NOV 13 1992

Last Name Olson and/or Fagnant Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$ S29 79S R38E

SE 1/4 of NE 1/4 of SW 1/4 S29 79S R38E

A 16x16 grid of squares, each containing a crosshair pattern. The grid is divided into four 8x8 quadrants by a central vertical and horizontal line. Handwritten text "Reservoir" is visible in the lower-left quadrant, and a small sketch of a person is in the lower-right quadrant.

Last Name Faght

Ident No.

Copies: White-State, Yellow-Claimant

03/29/2001

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

RIGHT NUMBER: 29-2378

NAME AND ADDRESS: FRANCIS G FAGNANT
RUTH ANN OLSON
PO BOX 644
LAVA HOT SPRINGS, ID 83246

SOURCE: SPRING TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.5 CFS

PRIORITY DATE: 08/20/1956

POINT OF DIVERSION: T09S R38E S29 SENESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.50 CFS

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>			
T09S R38E S29	NESW	16	T09S R38E S29
	SESW	9	

25 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: BASIS OF CLAIM - License

03/29/2001

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

RIGHT NUMBER: 29-2378

NAME AND ADDRESS: FRANCIS G FAGNANT
RUTH ANN OLSON
PO BOX 644
LAVA HOT SPRINGS, ID 83246

SOURCE: SPRING TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.5 CFS

PRIORITY DATE: 08/20/1956

POINT OF DIVERSION: T09S R38E S29 SENESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.50 CFS

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>			
T09S R38E S29	NESW	16	T09S R38E S29
			SESW 9

25 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water Right Number - 29-02378

Prefix Translation: WATER RIGHT

Old (D) Number - 26551

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

*** C - CURRENT OWNER ***

FAGNANT

ARTHUR J.

1 -
2 -
3 -

City- LAVA HOT SPRINGS

State- ID Zip- 83246

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
08/20/1956 *de* 15 EASTERN *L - LICENSE*+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING *de* PORTNEUF RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.09S 38E 29 NE SW *de* (5) BANNOCK+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

*Not Spec. => Dept. Sto*0.500 *ccr*+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.500 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

09S 38E 29 NE SW 15.0 01 IRRIGATION (5) BANNOCK

09S 38E 29 SE SW 10.0 01 IRRIGATION (5) BANNOCK

Total Acres:

25.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

CLAIMED AS LICENSED - So Recommended w/ exceptions

00/00/0000

*(1) Period of Use to Dept. Sto => 4/1 - 10/31**(2) No Consumptive Use Amt.*

03/26/01 13:14:51
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Log for claim A29-02378

Spatial Dynamics AMH

8/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	29	NESW	13	9.9	
09s38e	29	SESW	12	8.7	
Totals:			25	18.6	

AJ5809NP
No. A29-02378

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 124

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANCIS G FAGNANT PO BOX 644 LAVA HOT SPRINGS ID 83246 (208) 776-5289	08/20/1956	IRRIGATION	04-01 11-01	0.500 CFS	
				TOTAL DIVERSION:	0.500 CFS	
				CONSUMPTIVE USE:		62.50 AFA

C RUTH ANN OLSON
PO BOX 644
LAVA HOT SPRINGS ID 83246
(208) 776-5290

Water Source: SPRING

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion: T09S R38E S29 SENESW

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	:																	:	25.0
																			TOTAL ACRES	25.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: DEMPSEY CREEK

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

A29-00036 A29-00037 A29-00147 A29-00180 A29-00183 A29-00184 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 06/23/94 COX 03/29/95 POST-STD

State of Idaho License and Certificate of Water Right

Water License No. 26551

Amount 5 c.f.s.

Water District No.

Priority August 20, 1956

THIS IS TO CERTIFY that,

ARTHUR J. FAGNANT

of Lava Hot Springs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 20, 1956; that Permit No. 26551 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .5 second feet, was issued thereunder on August 28, 1958, showing that said works were completed on the 21 day of August, 1958; and that on the 2nd day of October, 1958,

ARTHUR J. FAGNANT

of Lava Hot Springs, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a spring

, a tributary of irrigation canal, for the purpose of irrigation

, under Use Permit No. 26551 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 6824, on the 18 day of November, 1959;

The right hereby confirmed dates from August 20, 1956;

The Point of Diversion is located

in the NE 1/4 SW 1/4, Sec. 29, Tp. 9 S., R. 38 E., B. M. Bannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S.	38 E.	29	NE 1/4 SW 1/4	40	15
			SE 1/4 SW 1/4	40	10
			Total number of acres to be irrigated:		25

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

18 day of November, 1959.

s/ GEO. N. CARTER

State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 34452
 PERMIT No. 26551
 DISTRICT No.

Arthur J. Fagnant
 Lava Hot Springs
 Idaho

1. Name of Applicant: ARTHUR J. FAGNANT

Postoffice address: Lava Hot Springs

County: Bannock

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 25 inches or 1/2 cubic feet per second.

3. Source of water supply: Spring, flows into Topaz which is a tributary of Irrigation Canal

4. Location of point of diversion: Approx. 1320 feet distant from the SW

corner of Section 29, T. 9 S., R. 38 E., B.M., and is in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$

of Section 29, T. 9 S., R. 38 E., B.M., County of Bannock

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T., R., B.M., in the of Section, T., R., B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section, T., R., B.M., in the
 of Section, T., R., B.M.

7. Estimated cost of works: \$ 600.00

8. Kind of works: Dam and sprinkler system

9. Height of dam 6 feet; length of dam at top 8 feet; length of dam at bottom 33
 feet; material used in dam: Dirt

10. Size of headgate: Width 10 inches feet; height 4 ft. feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;
 dimensions of flume:

Diameter of pipe 10 inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is

-- additional years.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. August 20, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26551

Recorded in Book 94 Page 26551 Approved Oct. 4, 1956

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before December 4, 1956 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **October 4, 1957**

The whole of said work to be completed on or before October 4, 1958

Beneficial use of water appropriated in accordance herewith, to be made on or before October 4, 1958

WITNESS My hand this 4th day of October, 1956

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE..... ROBERT E. SMYLIE, Governor of the State of Idaho,

and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 4th

day of October 19 56

STATE OF IDAHO

Countersigned:

(SEAL) By ROBERT E. SMYLIE

By JAS. H. YOUNG Governor.

Secretary of State.

REMARKS: There are two decrees from Dempsey Creek one of 10 in. Aug. 1, 1891 and one of 60 in. Mar. 1, 1894 to irrigate approx. 80 acres in the SW $\frac{1}{4}$ and the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 29, and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of S. 32, T 9 S, R. 38 E.B.M.

14. The 60 in. decree is a high water one and barely irrigates some of the land once. Of the 25 acres I am making application to irrigate, 15 acres is new ground and has no water decree.

Twp.	Range	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	
9 S	38 E.	29												25	25
Permit No. 26551 Certificate of Completion of Works															
✓ TO ALL WHOM IT MAY CONCERN: This is to certify that ARTHUR J. FACONANT of Lava Hot Springs, County of Bannock, and State of Idaho, the holder of Permit No. 26551, issued upon Application No. 34452 bearing date of priority of August 20, 1958, authorizing the diversion of .50 second feet of waters of Spring, flows into Topaz, tributary of Irrigation Canal County of Bannock, State of Idaho, for Irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .50 second feet of the waters of Spring (un-named and on own land) that the point of diversion of said waters SE 1/4 SW 1/4 Section 29, Township 9 South Range 38 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 25 acres in the SE 1/4 SW 1/4 of Section 29, Township 9 South, Range 38 East, B.M. Proof of Completion of Works made August 21, 1958 Witness my hand this 28th day of August, A.D. 1958 /s/ Geo. N. Carter State Reclamation Engineer Proof of Completion of Works made: August 21, 1958 Certificate of Completion of Works issued: August 28, 1958															

7. Estimated cost of works: \$ 600.00

8. Kind of works: Dam and sprinkler system

9. Height of dam 6 feet; length of dam at top 8 feet; length of dam at bottom 33 feet; material used in dam: Dirt

10. Size of headgate: Width 10 inches feet; height 4 ft. feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume:

Diameter of pipe 10 inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is -- additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 10 in. Aug. 1, 1891, Dempsey Creek Remarks.

20551

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 26551

Comes now ARTHUR J. FAGNANT and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 26551.

That the point of diversion is described in said permit as being located SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 9 S., R. 38 E.

That he now requests that the point of diversion be changed to a point located NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 9 S., R. 38 E.

That the reason for desiring to make such change is as follows: An error was made in designating the point of diversion. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Lava Hot Springs, Idaho, this 16th day of November, 1959.

/s/ Arthur J. Fagnant

Date of receipt at Department of Reclamation: November 17, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 26551. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected hereby.

GEO. N. CARTER
State Reclamation Engineer
By

/s/ E.N. Humphrey
Deputy

Recorded: November 17, 1959

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 26551

Comes now ARTHUR J. FAGNANT, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 26551, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 9 S. Rge. 38 E., B.M.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Lava Hot Springs, this 16th day of November, 1959

/s/ Arthur J. Fagnant

Date of receipt at office of Department of Reclamation: November 17, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 26551. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected hereby.

GEO. N. CARTER
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 26551

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Arthur J. Fagnant, Lava Hot Springs, Idaho

2. Source of water supply: An un-named spring

3. Location of point of diversion: Is in the SE 1/4 SW 1/4 of Section 29

T. 9 S. R. 38 E. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: Ford Diesel Tractor 4.2 hp. on belt = power unit. Cornell cent. pump 4" x 3" = pump. 2.5 nozzle sprinkler line used. This was borrowed from a neighbor and used for one complete irrigation

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE 1/4 SW 1/4 Section 29, Twp. 9 South, Range 38 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Fagnant along. Water rises on his place, flows into a small holding pond just above the Topog. Canal. Water then delivered by sprinkler. He wants the full 2.5 inches.

This examination was made on the 8 day of Sept, 19 59

(Signed) E. H. Humphrey Examiner

26551

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Department of Reclamation

June - Oct. 4, 1958

6 B belt drive

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 26551

REPORT ON PROOF OF Beneficial Use

Arthur J. Fagnant, Lava Hot Springs, Idaho