

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: A29-12879
Date Received: 8/ 7/1995
Receipt No: EO21376/2
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
AND/OR
Name: RUTH ANN OLSON 208-776-5290
Address: PO BOX 644
LAVA HOT SPRINGS ID 83246

A2912879



2. Date of Priority: JUN 15, 1913

3. Source: UNNAMED SPRING Trib. to: DEMPSEY CREEK

4. Point of Diversion:

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

5. Description of diverting works:
METAL CYINDER 4' ACROSS; 4-5' HIGH
8-11-95/jk Amended
OO-BB92 SHOWS & SUBNW
So Recommended.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
.0020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 40 HEAD BEEF CATTLE

MICROFILMED
NOV 14 1995

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	38E	29	NE SW		STOCK	

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:

14. Remarks:

TOPAZ CANAL COMPANY

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Francis Gene Fagnant Date: 8-7-95

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of August 19 95

Betty J. Thompson
Notary Public

Seal

Residing at _____
My Commission Expires 08/07/95

LAVA HOT SPRINGS, ID 83246
August 4, 1995

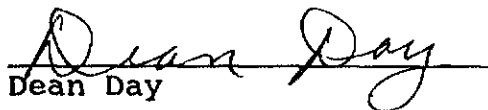
TO WHOM IT MAY CONCERN;

This is to certify that I have personally witnessed cattle drinking water from the natural flow issuing from and around the unnamed spring which is located below the Topaz Irrigation Canal on the F.G. Fagnant/Ruth Ann Olson property southwest of Lava Hot Springs, Idaho.

Whenever there is no water in the canal, this spring area is a primary stock water source for the beef cattle herd which numbers from twenty to forty head.

Historically this has been so used for at least the past forty years and has been used apparently for this purpose since the Fagnant family purchased the property in 1913.

Signed:


Dean Day

8-6-95

MICROFILMED
NOV 14 1996

LAVA HOT SPRINGS, ID 83246
August 4, 1995

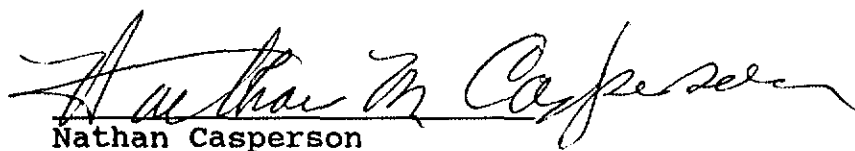
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Historically this has been so used for at least the past forty years and has been used apparently for this purpose since the Fagnant family purchased the property in 1913.

Signed:

 aug. 5 1995
Nathan Casperson

MICROFILMED

NOV 14 1996

R38E

19 | 20

30 | 29

Bert Roberts
#334 #191

Brett Caspersen

47.8

NHE

38.8

NHE 2

21.1

4 NHE

13.0

5

16.5

10.0

7.7

Spring

HEL

3

6.0

4

18.9

HEL

5

7.8

77769

Fagnant (blond)

#869

5

13.3

6

9.2

7

26.0

30 | 29

31 | 32

12

5.0

21.9

HE

10.8

HEL

10

4.3

HEL

11

18.6

10

39.7

8.9

16.6

MICROFILM
NOV 14 1991

RECEIVED

AUG 18 1995

Department of Water Resources

Eastern District Office

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: A29-12879
Date Received: 8/ 7/1995
Receipt No: E021376
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: FRANCIS G FAGNANT 208-776-5290
Address: PO BOX 644
LAVA HOT SPRINGS ID 83246
AND/OR
Name: RUTH ANN OLSON 208-776-5290
Address: PO BOX 644
LAVA HOT SPRINGS ID 83246
2. Date of Priority: JUN 15, 1913
3. Source: UNNAMED SPRING Trib. to: DEMPSEY CREEK
4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
09S	38E	29	NW		NE		SW		BANNOCK
5. Description of diverting works:
METAL CYINDER 4' ACROSS; 4-5' HIGH
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATER, 40 HEAD BEEF CATTLE

MICROFILMED
NOV 14 1995

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	29	NE	SW		STOCK	

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:

14. Remarks:

TOPAZ CANAL COMPANY

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Francis Yon Fagnant Date: 8-17-95

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 17 day August
of _____ 19 95
Sheryl Doyle
Notary Public

Seal

Residing at 253 W. ELM
LAVA HOT SPRINGS, ID 83246
My Commission Expires 9/4/96

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/15/98 10:48:26

Page 1

Water Right Number - R29-12879

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

FAGNANT

FRANCIS G

1 - PO BOX 644

2 -

3 -

City- LAVA HOT SPRINGS

State- ID Zip- 83246

Phone - 208-776-5290

1 - PO BOX 644

2 -

3 -

City- LAVA HOT SPRINGS

State- ID Zip- 83246

Phone - 208-776-5290

OLSON

RUTH ANN

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/15/1913 15 EASTERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
UNNAMED SPRING DEMPSEY CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

09S 38E 29 NW NE SW (5) BANNOCK

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER 01/01 12/31 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.020 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

09S 38E 29 NE SW 04 STOCKWATER (5) BANNOCK

Total Acres:

+ - - Diversion Means - METAL CYINDER 4' ACROSS; 4-5' HIGH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

EXP STOCKWATER, 40 BEEF CATTLE
PARCEL NO. R4227020206

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/15/98 10:48:28
Page 2

Water right number - R29-12879

Prefix Translation: RESEARCH

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

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
Date: 09/30/1997 User Id: AJU5-ECA Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK. CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.
Date: 01/15/1998 User Id: DSMITH Subject: COPIED FROM REMARKS
TOPAZ CANAL COMPANY

+ - - Audit Fields - - +
01/15/98 DSMITH

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 01/15/1998	Old Judicial District	-
Claim Received Date	- 08/07/1995	Last Amended Date	- 08/11/1995	Temporary Right	- P
		Receipt Number	- E021376	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

JOK RBT
22498

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-22-1997

PAGE: A-74

RIGHT NUMBER: 29-12879

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

SOURCE: UNNAMED SPRING TRIBUTARY: DEMPSEY CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 06/15/1913

POINT OF DIVERSION: T09S R38E S29 NWNESW Within BANNOCK County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER STOCKWATER, 40 HEAD BEE	01-01 12-31	0.02 CFS

PLACE OF USE: STOCKWATER Within BANNOCK County
T09S R38E S29 NESW ✓

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

TOPAZ CANAL COMPANY

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

R4227020206

no improvements
90.190 acres

Verified by *Shady* Date: 9-17-97

Verification Source: *Computer printout*

03/20/2001

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

RIGHT NUMBER: 29-12879

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

SOURCE: SPRING TRIBUTARY: DEMPSEY CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 06/15/1913

POINT OF DIVERSION: T09S R38E S29 SENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1-01 12-31	0.02 CFS

PLACE OF USE:

STOCKWATER Within BANNOCK County
T09S R38E S29 NESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 - Beneficial Use

STOCKWATER, 40 BEEF CATTLE PARCEL NO. R4227020206