

RECEIVED

JAN 20 2005

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 19 2005

By _____ Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
)
) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
) For water right: 29-13698
)
)

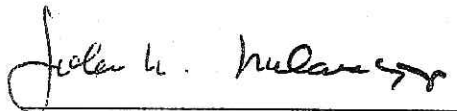
On October 8, 2004, Claimant Topaz Irrigation Company filed a *Motion to File Late Notice of Claim* for water right 29-180. The Notice of Claim to a Water Right Form that accompanied the *Standard Form 4* stated that the claim number was 29-13698. Because subcase 29-180 was already at issue, the Court docketed the *Motion to File Late Notice of Claim* under water right 29-13698. On January 18, 2004, a hearing was held on the *Motion*. Gene Fagnant appeared to support the *Motion*. No one appeared to oppose the *Motion*.

Following questioning by the Court, the Court has concluded that the Claimant presented proper grounds for the *Motion to File Late Notice of Claim* to be granted.

Therefore, IT IS ORDERED, that the above-captioned water right is hereby **allowed** to proceed as a claim.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the I.D.W.R for further action.

Dated: January 19, 2005.



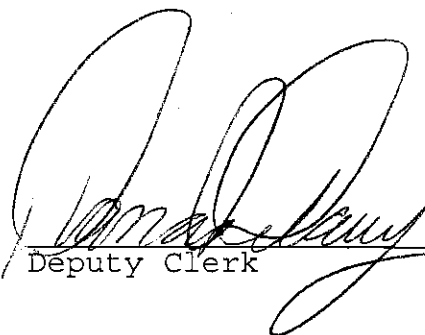
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LANTE NOTICE OF CLAIM was mailed on January 19, 2005, with sufficient first-class postage to the following:

TOPAZ IRRIGATION CO
C/O GENE FAGNANT
PO BOX 293
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5290

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over a horizontal line.

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 29-13698
Date Received: 10/5/2004
Receipt No: *CO-76512*
Received By: *M*

**NOTICE OF LATE CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TOPAZ IRRIGATION CO Phone: (208)776-5289
C/O GENE FAGNANT
PO BOX 293
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 08/07/1932

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	Type
09S	38E	33	NW NW	BANNOCK	

5. Description of diverting works: Headgate, open ditch and parshall flume.

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 10/31	6.0	

7. Total Quantity Appropriated is:
6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Total Acres 927

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? ☒ No

*only one small
portion*

13. Other Water Rights Used:

14. Remarks:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

Number of attachments: 2 *Notice of claim & check*

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 & Registered Agent 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

Sec. Topaz Irrigation Co.
Title and Organization

10-7-04
Date

State of Idaho)
County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 7th of OCTOBER 2004

ROBERT D. BERGENDORF
Notary Public
State of Idaho

Colin R. Bergendorf
Notary Public

Residing at LAKE HOT SPRINGS, IDAHO

My commission Expires FEB 28, 2005

T09S R37E

Boundary of Service Area for Topaz Irrigation Co

Claim No.: 29-13698

Boundary
Township/Range
Section

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: October 2004



1 Miles

