



RIGHT NUMBER: 29-36

NAME AND ADDRESS: DEMPSEY IRRIGATING CO
C/O EARL SMITH
PO BOX 235
LAVA HOT SPRINGS ID 83246

TOPAZ IRRIGATION CO
C/O GENE FAGNANT
PO BOX 293
LAVA HOT SPRINGS ID 83246

T08S R38E S28 SWNESW Within BANNOCK County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>
IRRIGATION	4/15	9/15	32.000 CFS

IRRIGATION Within BANNOCK County

T09S	R37E	S22			SESE	7.7		T09S	R37E	S23	Lot	7	NESW	33.0
T09S	R37E	S23	Lot	8	NWSW	21.0		T09S	R37E	S23			SWSW	24.0
T09S	R37E	S23			SESW	21.0		T09S	R37E	S23	Lot	5	NESE	26.0
T09S	R37E	S23	Lot	6	NWSE	29.0		T09S	R37E	S23			SWSE	35.0
T09S	R37E	S23			SESE	18.0		T09S	R37E	S24	Lot	7	NWSW	0.4
T09S	R37E	S24			SWSW	0.6		T09S	R37E	S25			SENE	10.0
T09S	R37E	S25			NENW	9.9		T09S	R37E	S25			NWNW	17.0
T09S	R37E	S25			NESE	0.5		T09S	R37E	S26			NENE	9.7
T09S	R37E	S26			NWNE	6.0		T09S	R37E	S27			NENE	0.6
T09S	R38E	S09	Lot	3	SENE	8.0		T09S	R38E	S10			SWNW	13.0
T09S	R38E	S10			SENW	0.1		T09S	R38E	S10			NESW	34.0
T09S	R38E	S10	Lot	1	NWSW	22.0		T09S	R38E	S10	Lot	2	SWSW	5.8
T09S	R38E	S10			SESW	20.0		T09S	R38E	S15			NENW	0.8
T09S	R38E	S15	Lot	1	NWNW	8.9		T09S	R38E	S15			SWNW	13.0
T09S	R38E	S15			NESW	5.1		T09S	R38E	S15			NWSW	24.0
T09S	R38E	S15	Lot	2	SWSW	4.9		T09S	R38E	S15	Lot	3	SESW	17.0
T09S	R38E	S19	Lot	3	SWSW	0.4		T09S	R38E	S19	Lot	4	NESE	0.1
T09S	R38E	S19	Lot	2	SWSE	8.7		T09S	R38E	S19	Lot	7	SWSE	0.4
T09S	R38E	S19	Lot	1	SESE	28.0		T09S	R38E	S20	Lot	8	SWSW	0.2
T09S	R38E	S20	Lot	3	SESW	20.0		T09S	R38E	S20	Lot	1	NESE	20.0
T09S	R38E	S20	Lot	2	NWSE	20.0		T09S	R38E	S20	Lot	6	NWSE	0.7
T09S	R38E	S20			SWSE	30.0		T09S	R38E	S20			SESE	24.0
T09S	R38E	S21	Lot	6	NESW	0.3		T09S	R38E	S21	Lot	4	NWSW	20.0
T09S	R38E	S21			SWSW	25.0		T09S	R38E	S21	Lot	3	SESW	6.5
T09S	R38E	S21	Lot	8	NESE	3.3		T09S	R38E	S21	Lot	7	NWSE	10.0

02/06/2003

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

T09S R38E S22 Lot 1 NWN	3.8	T09S R38E S22 Lot 3 SWNE	12.0
T09S R38E S22 Lot 2 NENW	14.0	T09S R38E S22 Lot 7 NENW	1.8
T09S R38E S22 Lot 8 SENW	3.5	T09S R38E S22 Lot 4 NWSE	16.0
T09S R38E S22 SWSE	3.5	T09S R38E S28 NWN	3.2
T09S R38E S28 NENW	5.7	T09S R38E S28 NWNW	21.0
T09S R38E S28 SWNW	14.0	T09S R38E S28 SENW	6.1
T09S R38E S28 NWSW	21.0	T09S R38E S29 NENE	39.0
T09S R38E S29 NWN	14.0	T09S R38E S29 SENE	16.0
T09S R38E S29 Lot 1 NENW	25.0	T09S R38E S29 Lot 2 NWNW	27.0
T09S R38E S29 SWNW	37.0	T09S R38E S29 SENW	6.5
T09S R38E S29 NESW	10.0	T09S R38E S29 NWSW	7.3
T09S R38E S30 NENE	39.0	T09S R38E S30 NWN	35.0
T09S R38E S30 SWNE	35.0	T09S R38E S30 SENE	33.0
T09S R38E S30 Lot 1 NENW	25.0	T09S R38E S30 Lot 2 NWNW	41.0
T09S R38E S30 Lot 3 SWNW	41.0	T09S R38E S30 SENW	38.0
T09S R38E S30 NESW	36.0	T09S R38E S30 Lot 4 NWSW	7.2
T09S R38E S30 SESW	0.2	T09S R38E S30 NESE	33.0
T09S R38E S30 NWSE	39.0	T09S R38E S30 SWSE	19.0
T09S R38E S30 SESE	17.0	T09S R38E S33 NWN	0.4
T09S R38E S33 NENW	20.0		

1429.8 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1429.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-36, 29-37, 29-180, 29-11773.

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT #29.

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: Decreed

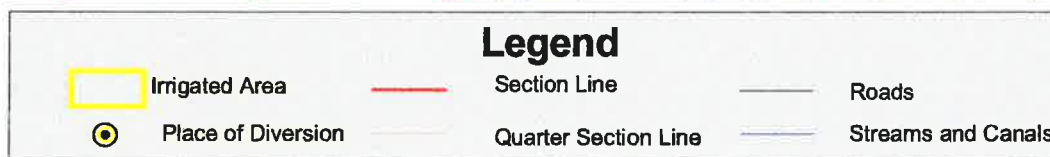
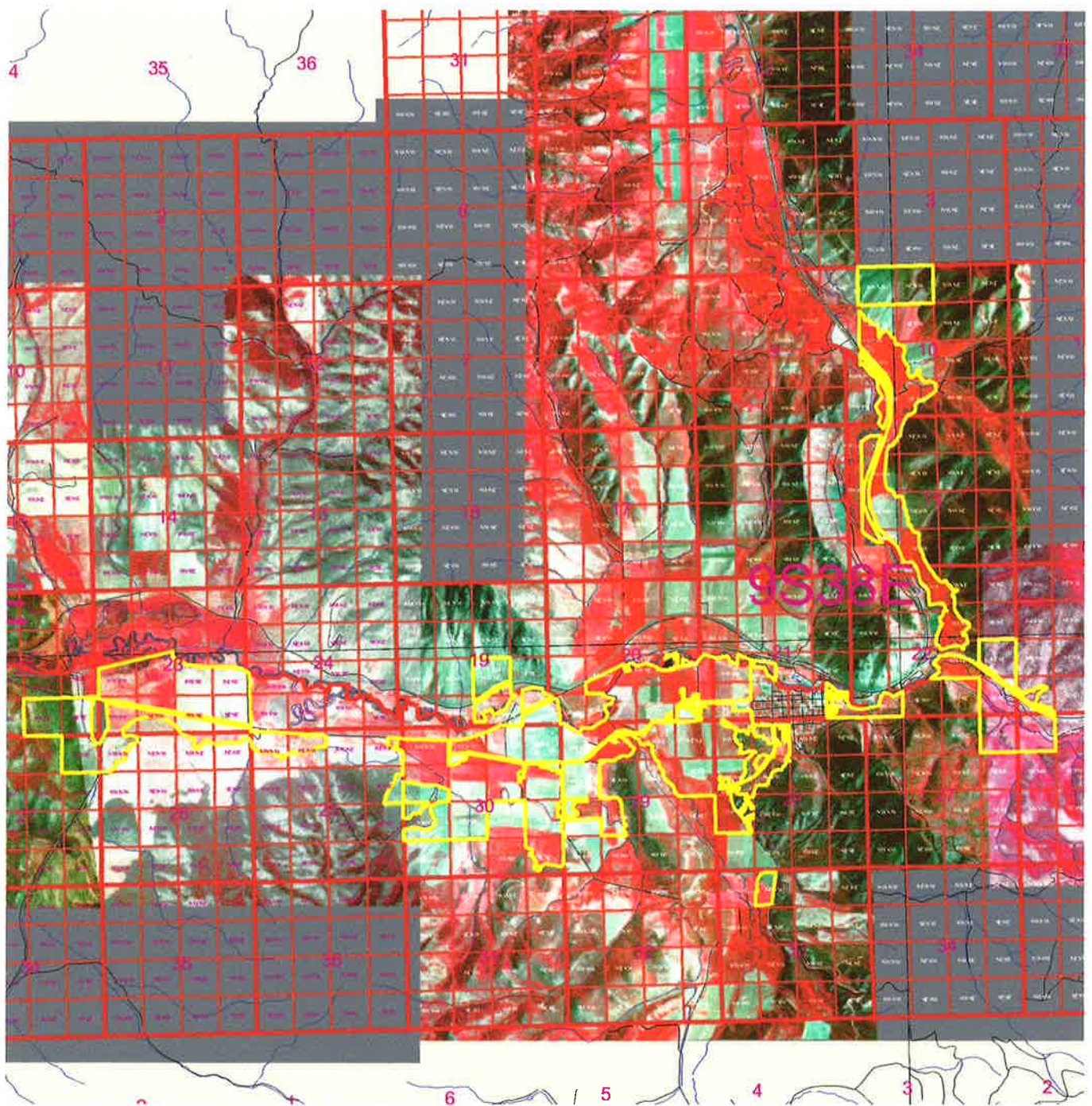
TOPAZ IRRIGATION CO. OWNS 51% OF DEMPSEY-TOPAZ CANAL SYSTEM. FISH CREEK IRRIGATING CO. IS ALSO CARRIED IN THIS SAME CANAL SYSTEM FROM FISH CK POINT OF DIVERSION TO NESENW SEC.28 T9S R38E WHERE IT IS SPLIT OFF THE CANAL SYSTEM AND BECOMES ITS OWN ENTITY.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Water Right Claim Number A29-00036

07/31/2000

Townships , 9S38E, 9S37E



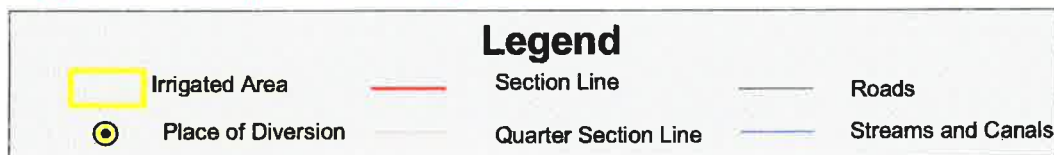
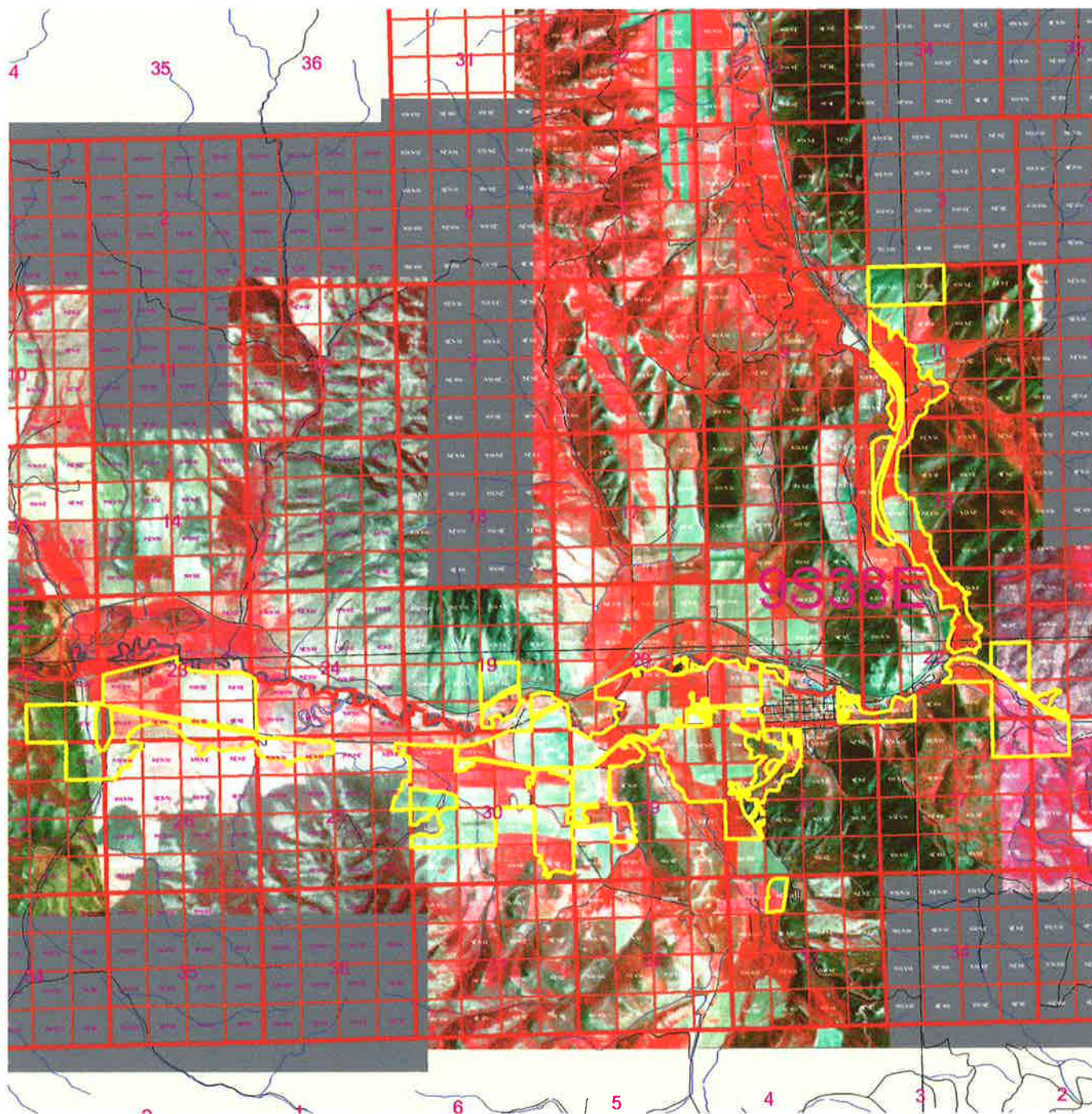
2000 0 2000 000 Feet



Water Right Claim Number A29-00036

07/31/2000

Townships , 9S38E, 9S37E



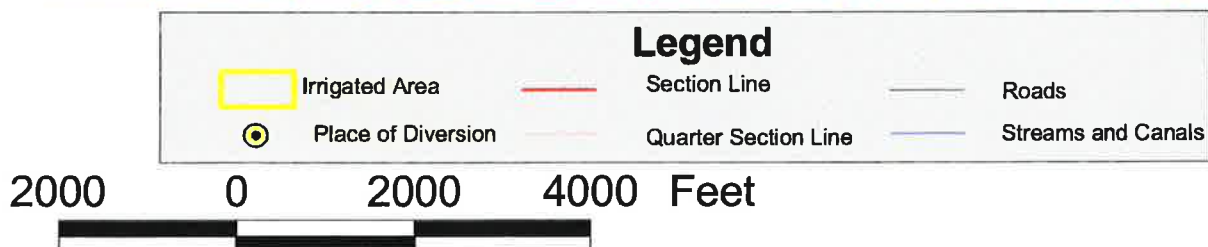
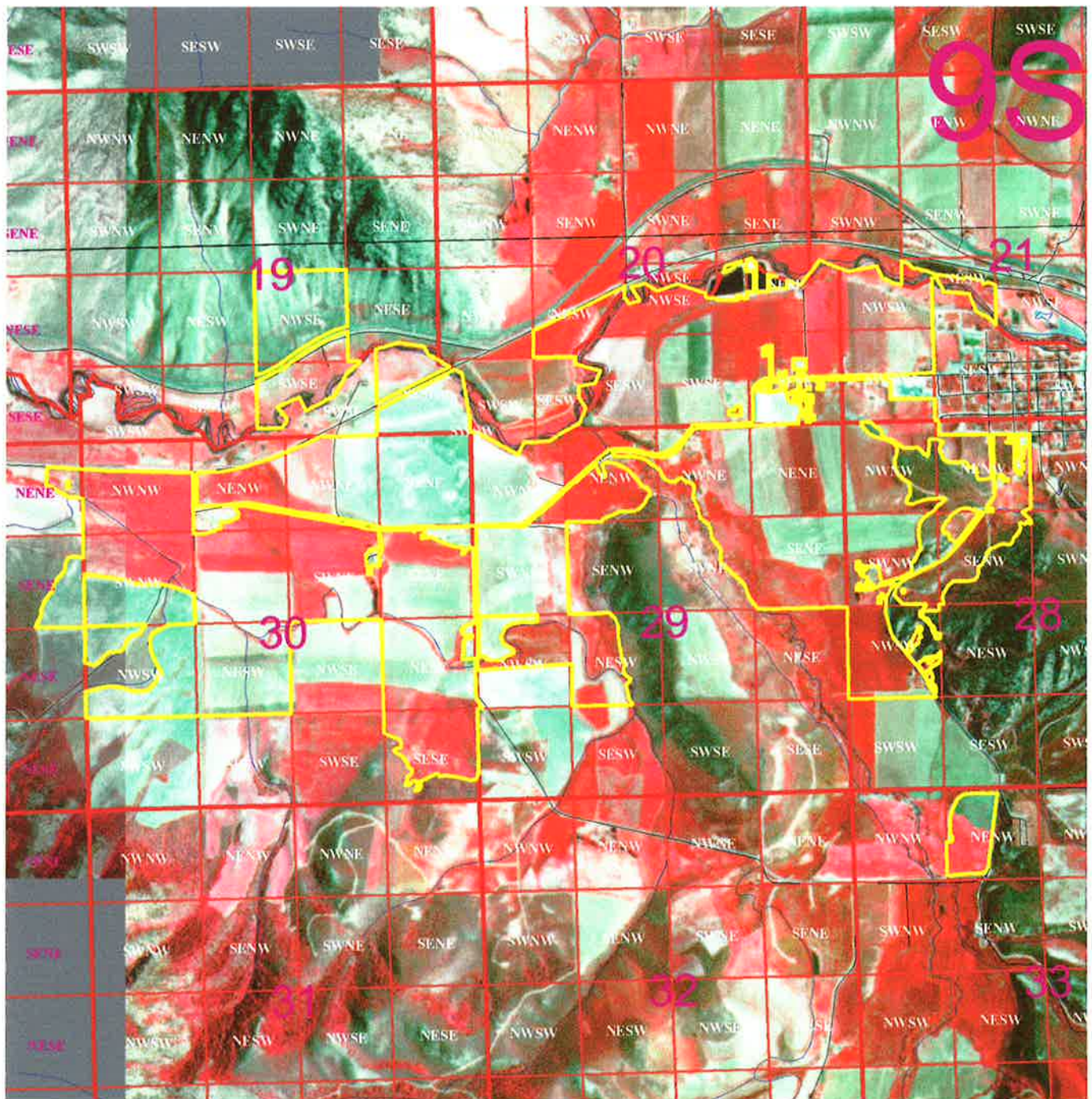
2000 0 200000 Feet



Water Right Claim Number A29-00036

07/31/2000

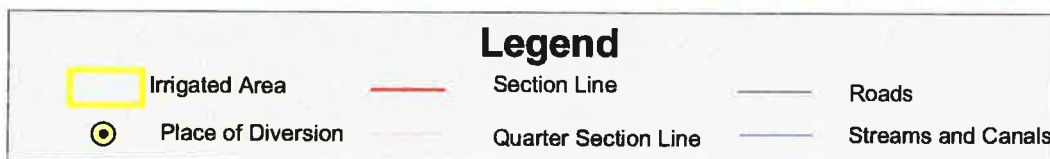
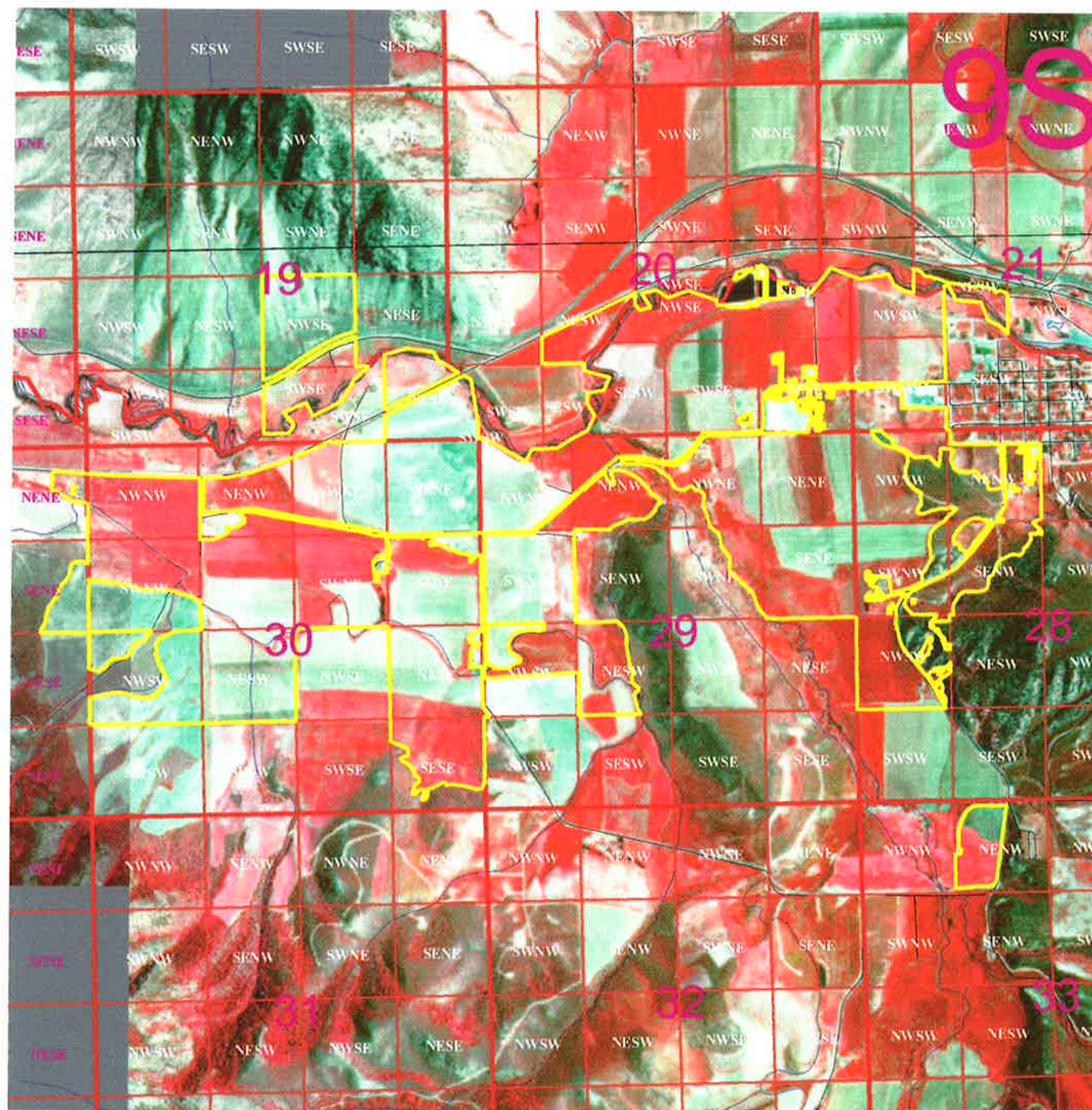
Townships , 9S38E, 9S37E



Water Right Claim Number A29-00036

07/31/2000

Townships , 9S38E, 9S37E



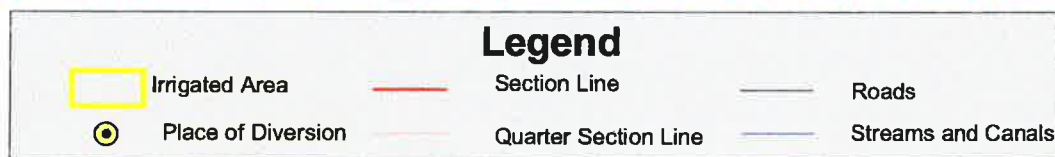
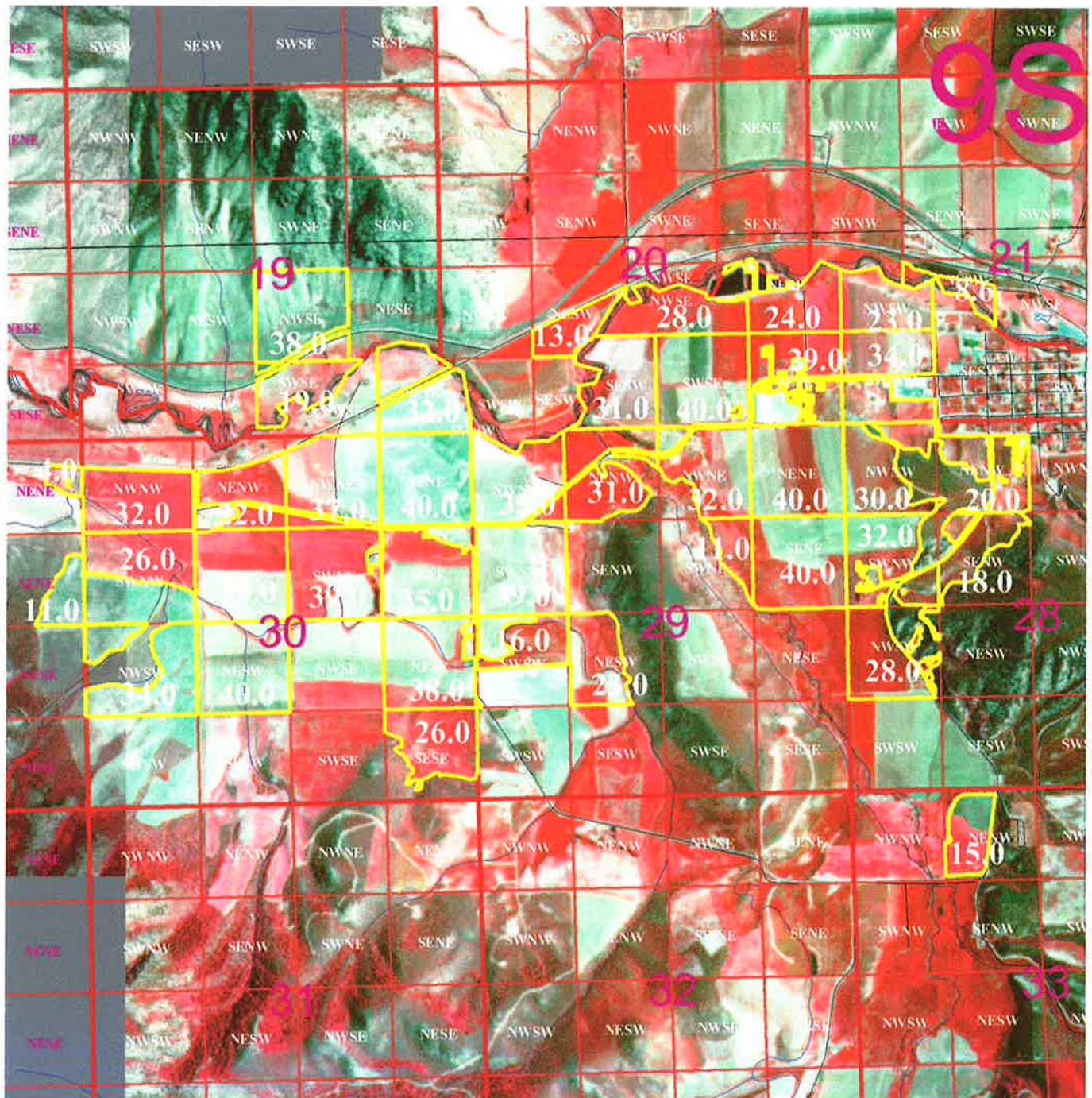
2000 0 2000 4000 Feet



Water Right Claim Number A29-00036

07/31/2000

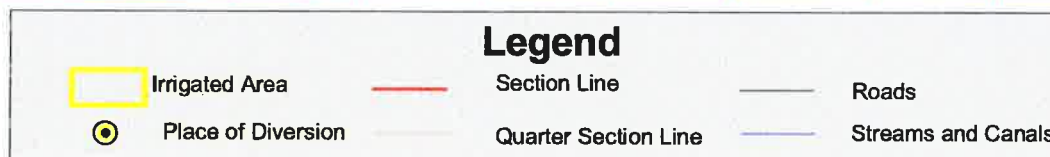
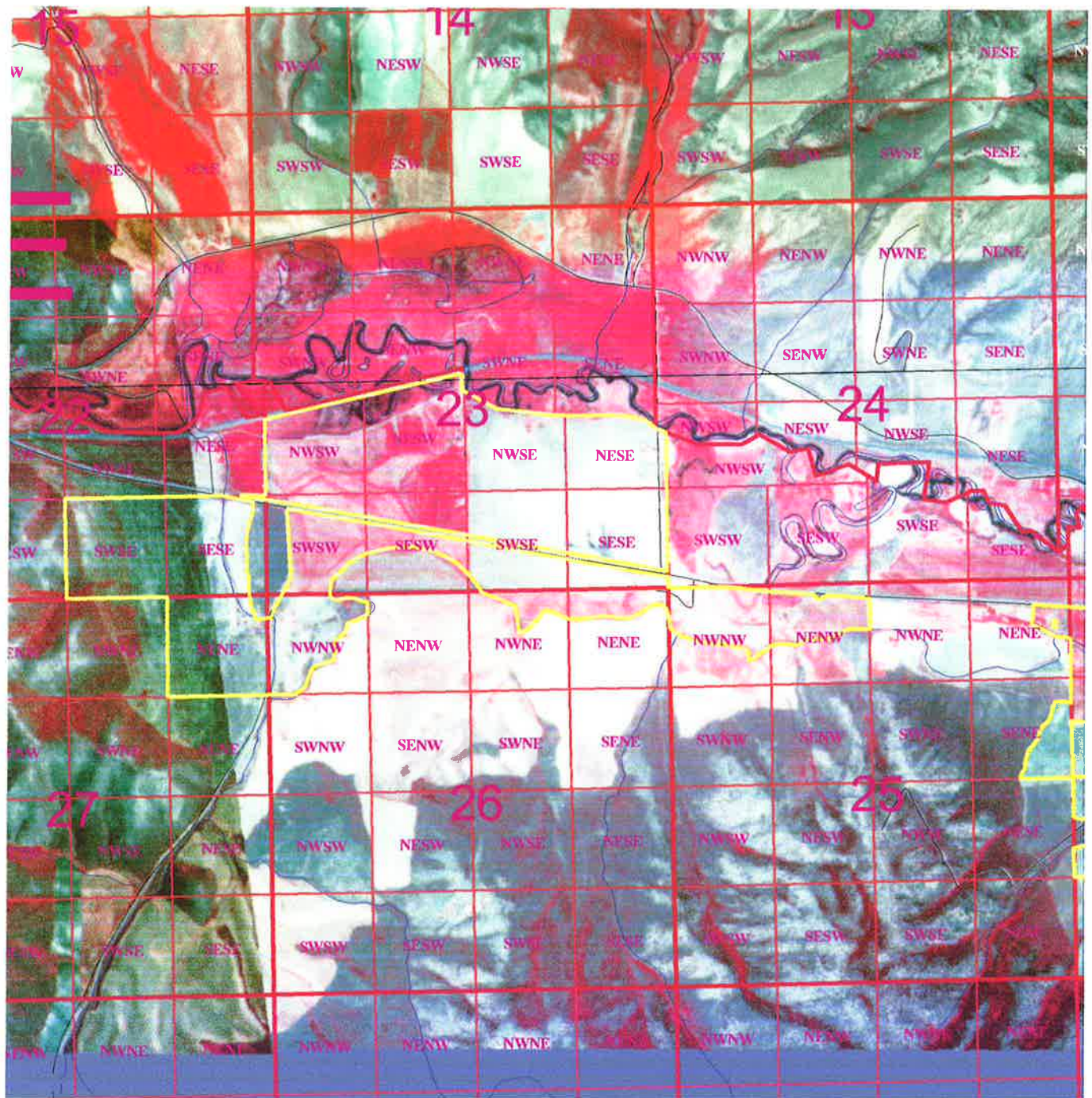
Townships , 9S38E, 9S37E



Water Right Claim Number A29-00036

07/31/2000

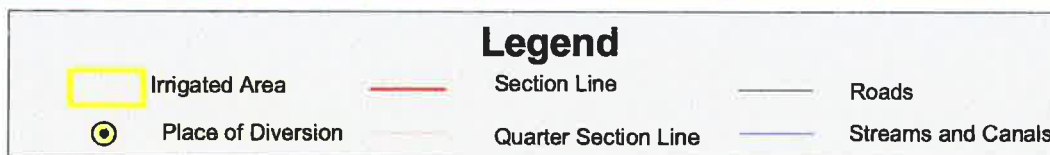
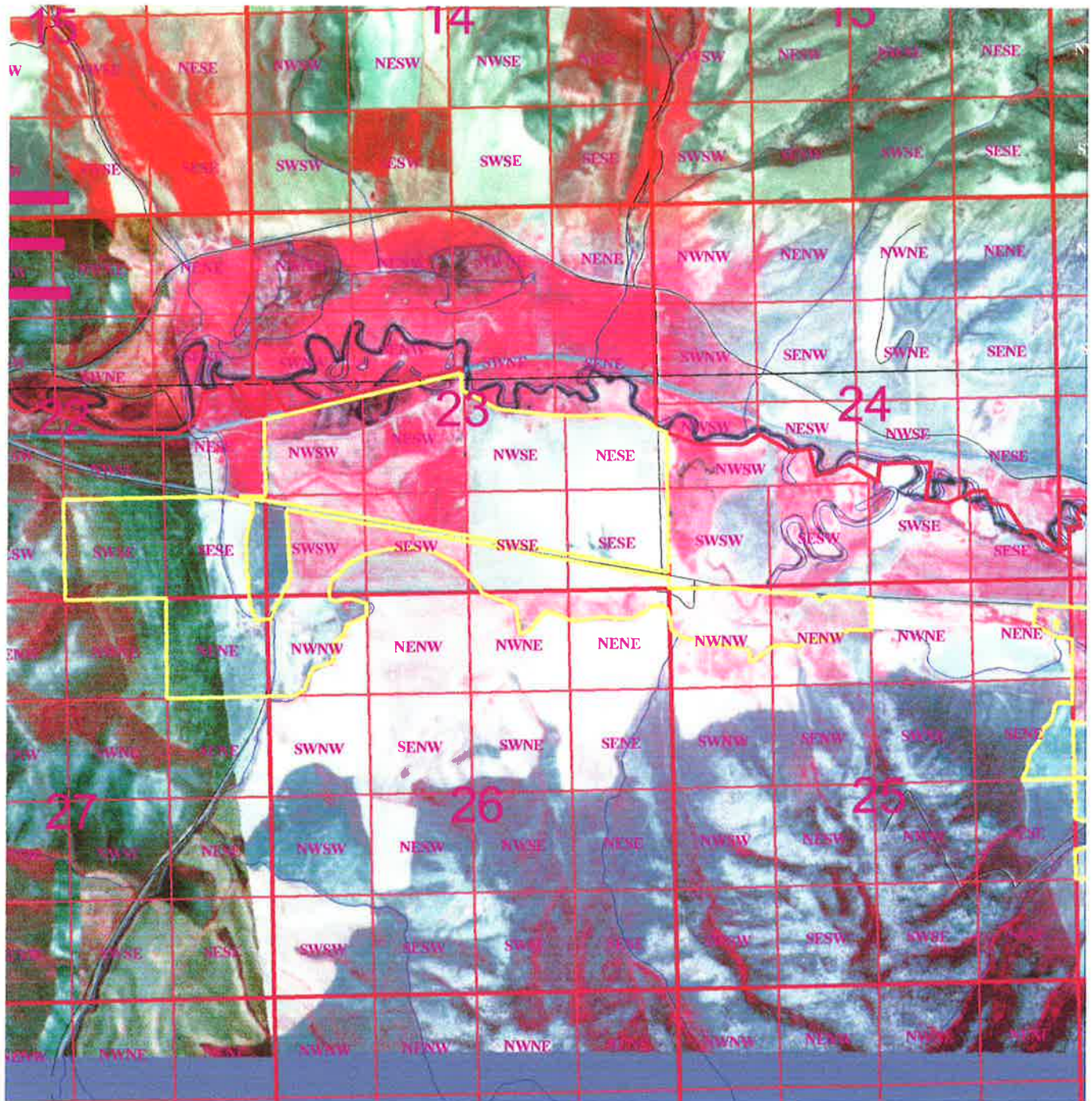
Townships , 9S38E, 9S37E



Water Right Claim Number A29-00036

07/31/2000

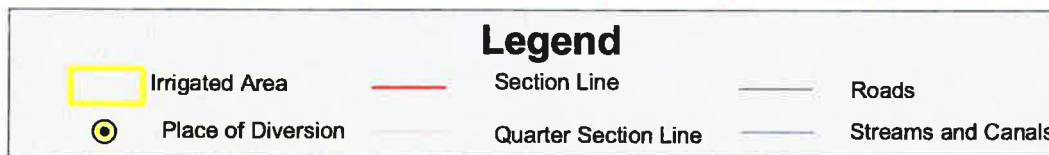
Townships , 9S38E, 9S37E



Water Right Claim Number A29-00036

07/31/2000

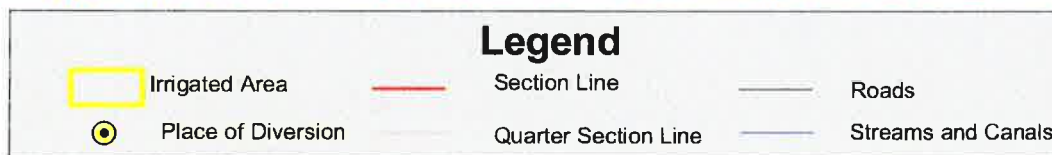
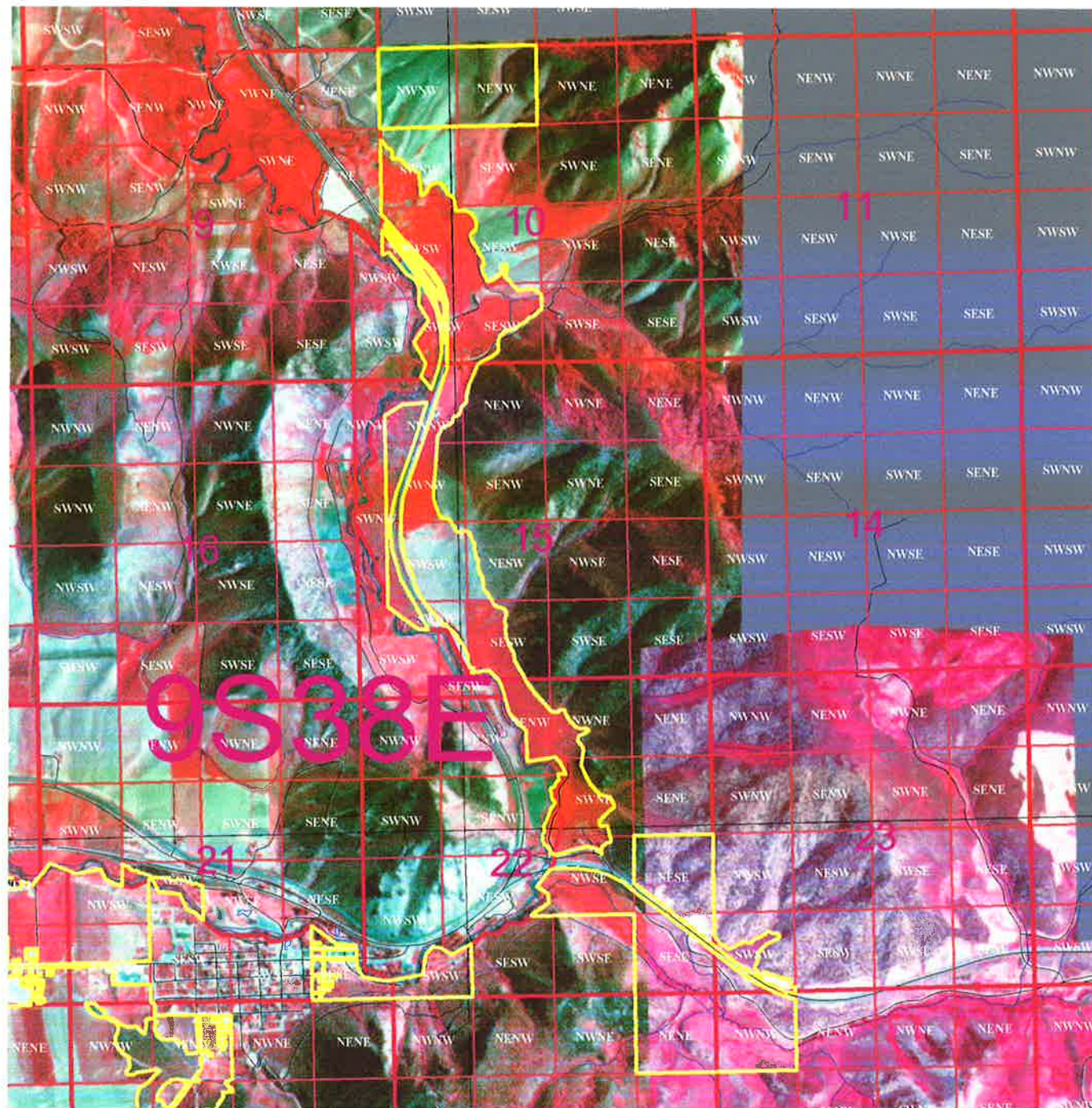
Townships , 9S38E, 9S37E



Water Right Claim Number A29-00036

07/31/2000

Townships , 9S38E, 9S37E



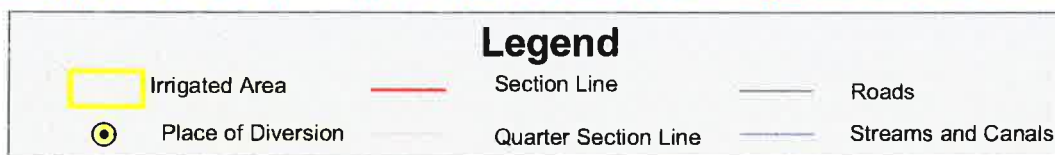
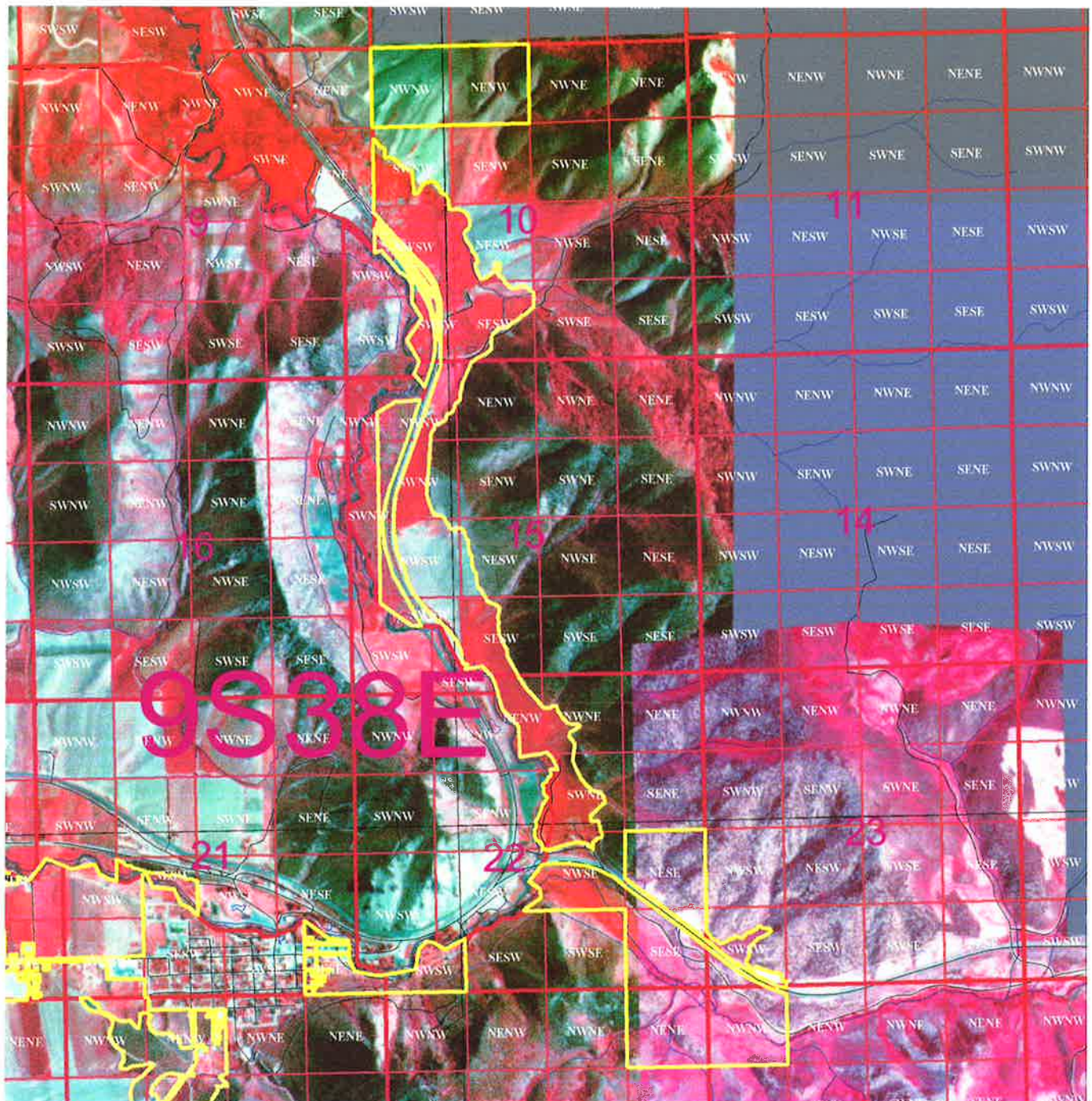
2000 0 2000 4000 Feet



Water Right Claim Number A29-00036

07/31/2000

Townships , 9S38E, 9S37E



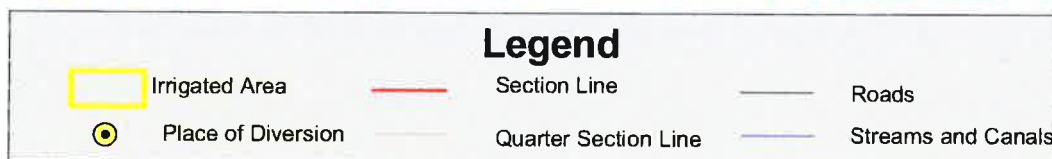
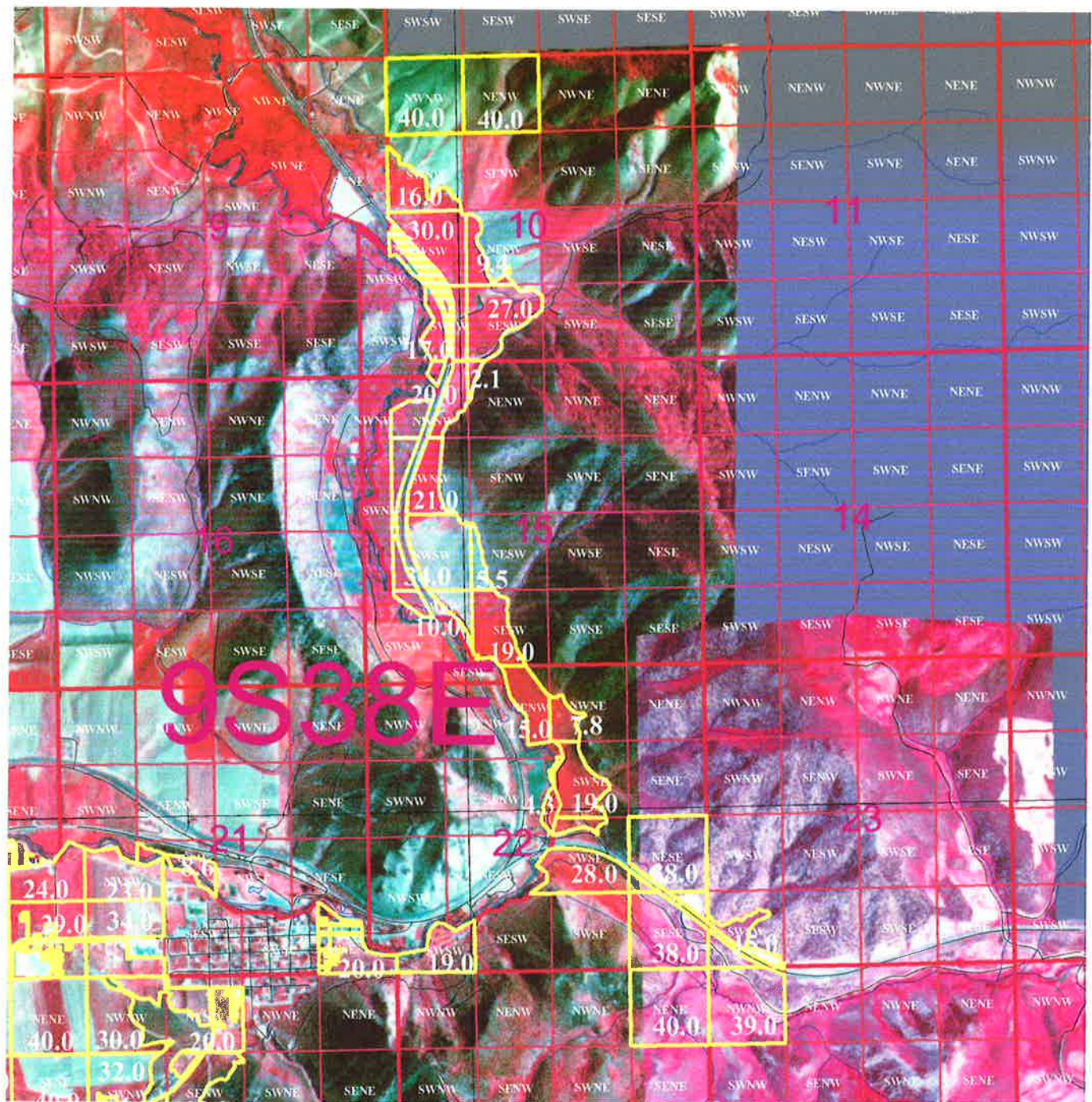
2000 0 2000 4000 Feet



Water Right Claim Number A29-00036

07/31/2000

Townships , 9S38E, 9S37E



2000 0 2000 4000 Feet



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

RIGHT NUMBER: 29-36

NAME AND ADDRESS:

DEMPSEY IRRIGATING CO
C/O EARL SMITH
PO BOX 235
LAVA HOT SPRINGS ID 83246

TOPAZ IRRIGATION CO
C/O GENE FAGNANT
PO BOX 293
LAVA HOT SPRINGS ID 83246

SOURCE:

Source:

Tributary:

PORTNEUF RIVER

SNAKE RIVER

QUANTITY:

32.000 CFS

0.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 39.5 CFS. COMBINED RIGHT NOS.: 29-36, 29-37 AND
29-11773

PRIORITY DATE:

04/18/1898

POINT OF DIVERSION:

T08S R38E S28 SWNESW

Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

4/15 9/15

32.000 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE
USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER
THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR
THIS RIGHT.

PLACE OF USE:

1429.8 ACRES TOTAL

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.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1429.8 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-36, 29-37, 29-180, 29-11773.

Place of use is within the area served by Dempsey Irrigation Co.

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

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT #29.

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 - Decreed

TOPAZ IRRIGATION CO. OWNS 51% OF DEMPSEY-TOPAZ CANAL SYSTEM. FISH
CREEK IRRIGATING CO. IS ALSO CARRIED IN THIS SAME CANAL SYSTEM FROM
FISH CK POINT OF DIVERSION TO NESENW SEC.28 T9S R38E WHERE IT IS
SPLIT OFF THE CANAL SYSTEM AND BECOMES ITS OWN ENTITY.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Adjudication Recommendation Report 29-36 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEMPSEY IRRIGATING CO C/O EARL SMITH PO BOX 235 LAVA HOT SPRINGS, ID 83246 (208)776-5348
Current Owner	TOPAZ IRRIGATION CO C/O GENE FAGNANT PO BOX 293 LAVA HOT SPRINGS, ID 83246 (208)776-5289

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 9/15	32.000 CFS	
	<u>Total Diversion:</u>	32.000 CFS	

PORTNEUF RIVER SW1/4NE1/4SW1/4 Sec. 28, Twp 08S, Rge 38E, B.M.
BANNOCK County

IRRIGATION

[illegible]

Adjudication Recommendation Report 29-36 V1

[illegible]

Total Acres: 1429.8

Conditions of Approval:

1. 129 Place of use is within the area served by the Dempsey Irrigating Company.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 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.
4. E04 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 39.5 CFS. COMBINED RIGHT NOS.: 29-36, 29-37 AND 29-11773

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-36 V1

1. Explanatory TOPAZ IRRIGATION CO. OWNS 51% OF DEMPSEY-TOPAZ CANAL SYSTEM. FISH CREEK IRRIGATING CO. IS ALSO CARRIED IN THIS SAME CANAL SYSTEM FROM FISH CK POINT OF DIVERSION TO NESENW SEC.28 T9S R38E WHERE IT IS SPLIT OFF THE CANAL SYSTEM AND BECOMES ITS OWN ENTITY.
2. General THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT #29.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1429.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-36, 29-37, 29-180, 29-11773.

Comments:

1. mlarson 10/29/2002 Large POU
Comment: Large POU linked

2. ecarlsen 2/6/2003 Large POU
Comment: Had Large POU flag removed so that the irrigated acres could be updated into the POU. Then the Large POU flag was reset.

3. aruberry 3/4/2003 NOE
Comment: CORRECT PHONE NO.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 29
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

02/06/2003

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

RIGHT NUMBER: 29-36
NAME AND ADDRESS: DEMPSEY IRRIGATING CO
C/O EARL SMITH
PO BOX 235
LAVA HOT SPRINGS ID 83246

TOPAZ IRRIGATION CO
C/O GENE FAGNANT
PO BOX 293
LAVA HOT SPRINGS ID 83246

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 32.000 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 39.5 CFS. COMBINED RIGHT NOS.: 29-36, 29-37 AND 29-11773

PRIORITY DATE: 04/18/1898

POINT OF DIVERSION:

T08S R38E S28 SWNESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 9/15	32.000 CFS

PLACE OF USE:

Large Place of Use

1429.8 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1429.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-36, 29-37, 29-180,
29-11773.

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

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WATER DISTRICT #29.

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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: Decreed

TOPAZ IRRIGATION CO. OWNS 51% OF DEMPSEY-TOPAZ CANAL
SYSTEM. FISH CREEK IRRIGATING CO. IS ALSO CARRIED IN THIS SAME
CANAL SYSTEM FROM FISH CK POINT OF DIVERSION TO NESENW SEC.28
T9S R38E WHERE IT IS SPLIT OFF THE CANAL SYSTEM AND BECOMES ITS
OWN ENTITY.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

02/18/2003

allen

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-36

DEMPSEY IRRIGATING CO
C/O EARL SMITH
PO BOX 235
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5348

TOPAZ IRRIGATION CO
C/O GENE FAGNANT
PO BOX 293
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5348

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

3/20/03

SIGNATURE:

Earl H. Smith - Secretary
EARL H. Smith

Please print your name:

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED
MAY 27 2005

PROFILED

RECEIVED

Department of Water Resources
Idaho Falls, Idaho

02/18/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

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Water right number: 29-36

DEMPSEY IRRIGATING CO
C/O EARL SMITH
PO BOX 235
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5348

TOPAZ IRRIGATION CO
C/O GENE FAGNANT
PO BOX 293
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-~~5348~~ 5289

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-03-03

SIGNATURE:

Please print your name:

Topaz Irrigation Co. by Gene Fagnant
Topaz Irrigation Co. by Gene Fagnant

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Done
3/4/03
sm

PROFILED

SCANNED
MAY 27 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 13, 2000

Dempsey Irrigation Company
Earl Smith
P O BOX 235
Lava Hot Springs, ID 83246

Subject: Dempsey Irrigation Company Service Area

Dear Earl;

I have enclosed a map that, according to our records, meets the extent of your company's service area. If this map is correct, give me a call and let me know. If I need to make changes, indicate them on the map and mail the map back to me. I will make the changes and send you a final copy of the map. Thanks again for all your cooperation.

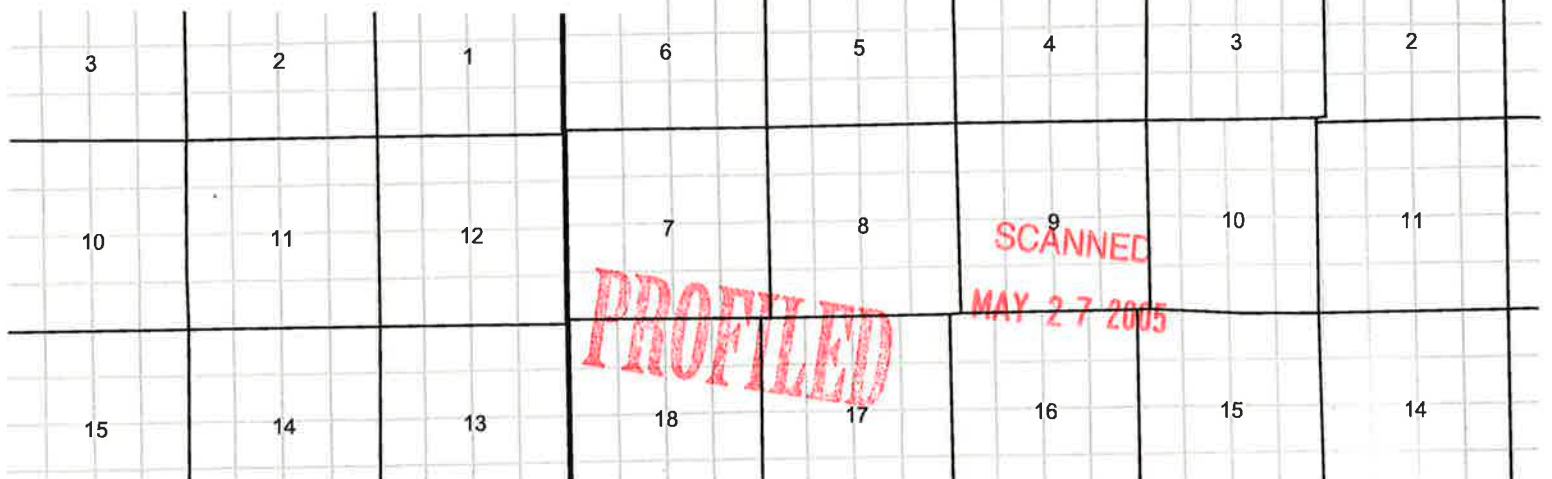
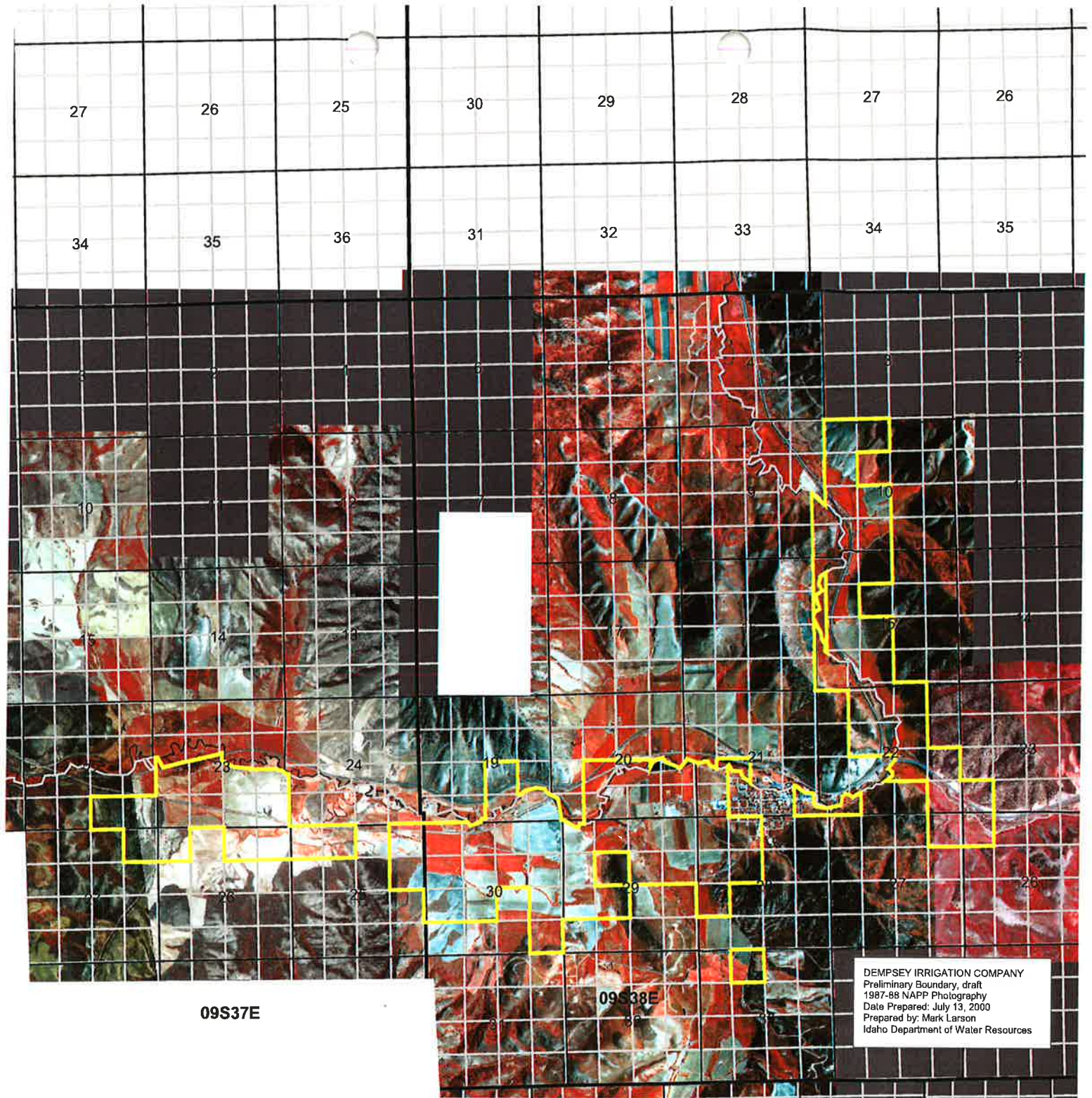
If you have any questions, please don't hesitate to call me at (208) 327-7998.

Sincerely,

Mark Larson
GIS Specialist
Adjudication Technical Section

PROFILED

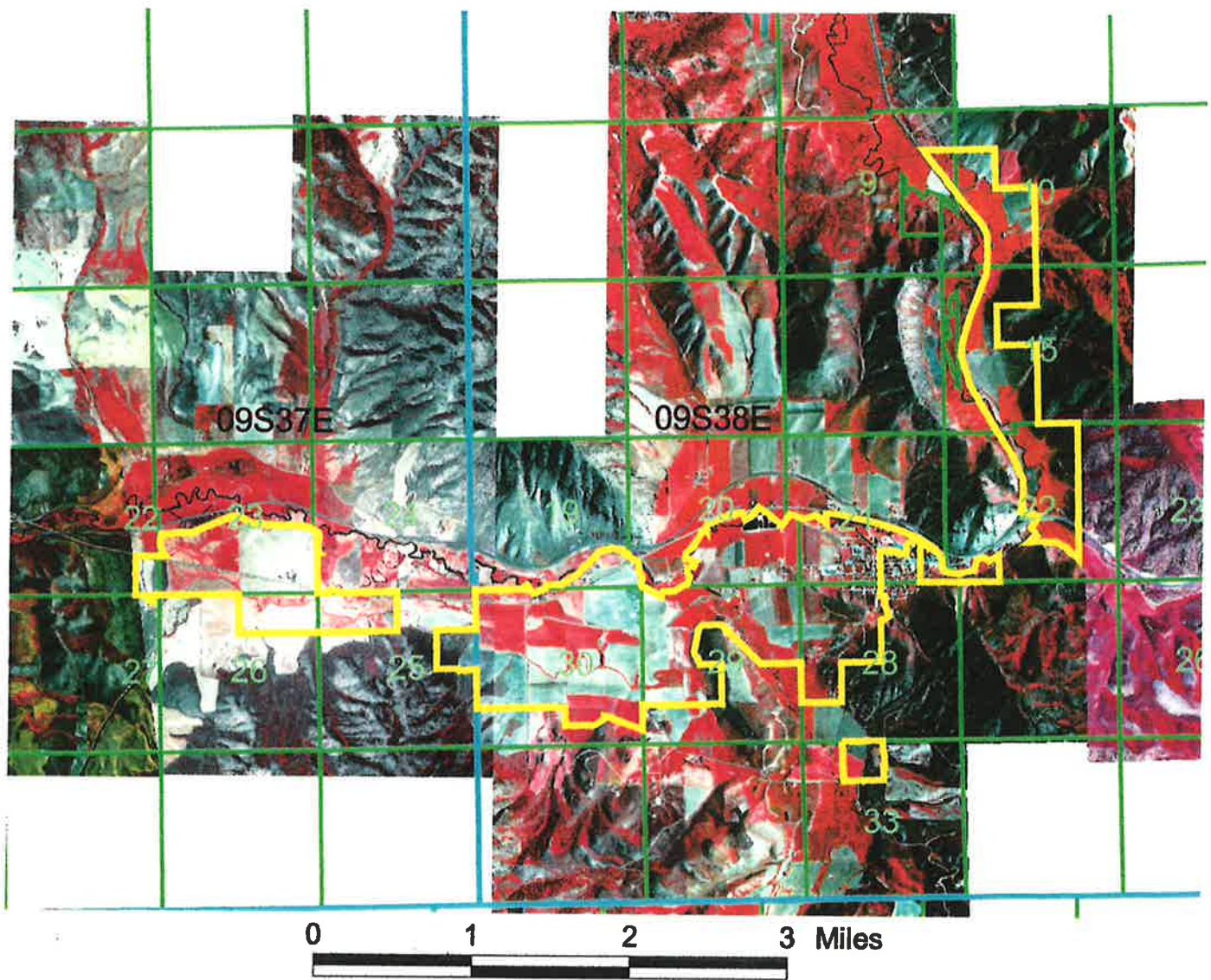
SCANNED
MAY 27 2005





Department of Water Resources

Dempsey Irrigation Co & Topaz Irrigation Co

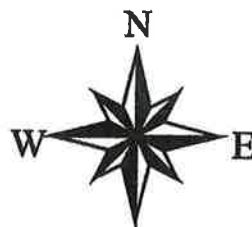


PROFILED

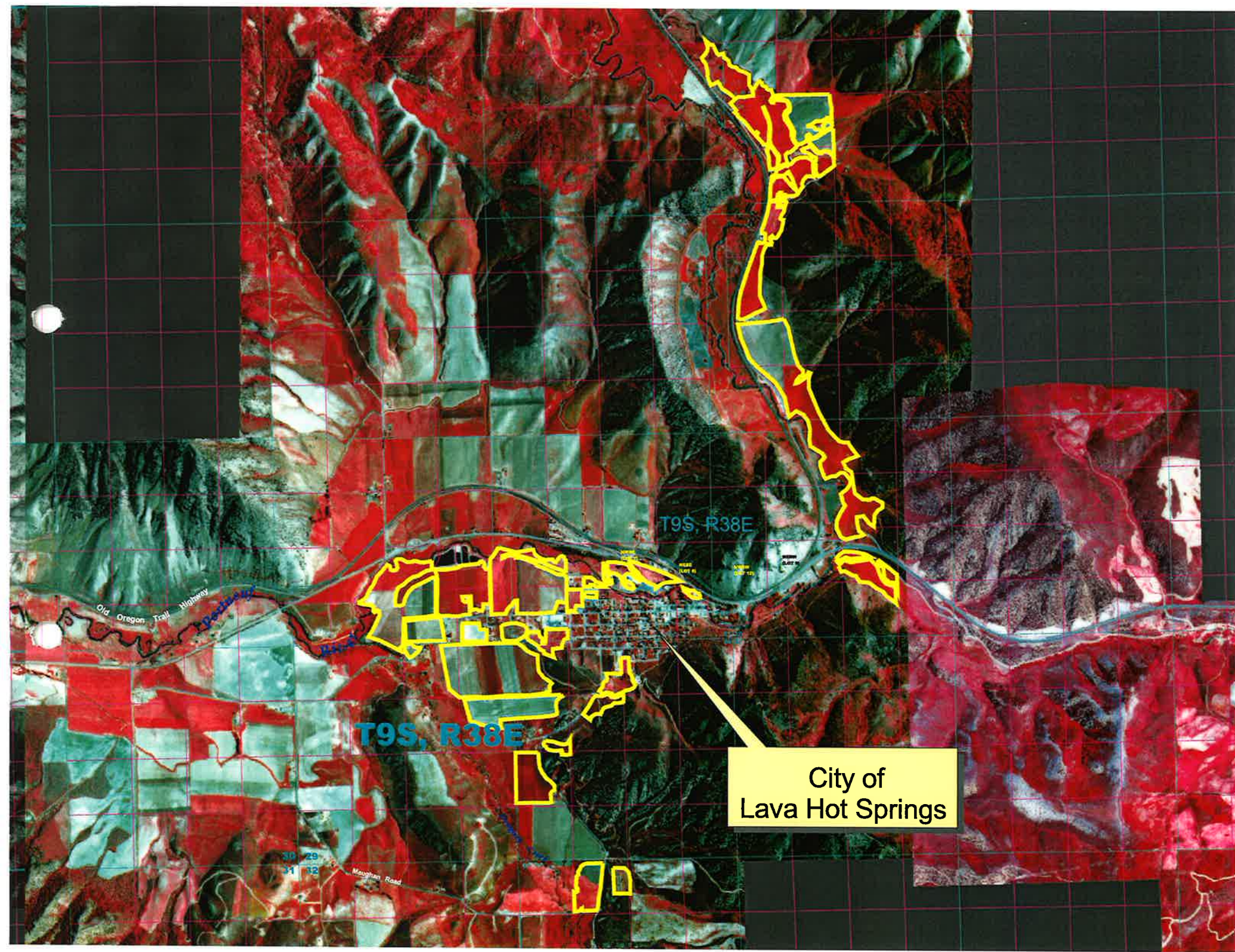
SCANNED

MAY 27 2005

- Company boundary.shp
- Townships
- Sections



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: July 2003



City of
Lava Hot Springs

09S	38E	9	SW NE	2	01	IRRIGATION	(5)	BANNOCK
09S	38E	9	SE NE	3	01	IRRIGATION	(5)	BANNOCK
09S	38E	9	NE SE	6	01	IRRIGATION	(5)	BANNOCK
09S	38E	9	NW SE		01	IRRIGATION	(5)	BANNOCK
09S	38E	10	NW NW		01	IRRIGATION	(5)	BANNOCK
09S	38E	10	SW NW		01	IRRIGATION	(5)	BANNOCK
09S	38E	10	NE SW		01	IRRIGATION	(5)	BANNOCK
09S	38E	10	NW SW	1	01	IRRIGATION	(5)	BANNOCK
09S	38E	10	SW SW	2	01	IRRIGATION	(5)	BANNOCK
09S	38E	10	SE SW		01	IRRIGATION	(5)	BANNOCK
09S	38E	15	NE NW		01	IRRIGATION	(5)	BANNOCK
09S	38E	15	NW NW	1	01	IRRIGATION	(5)	BANNOCK
09S	38E	15	SW NW		01	IRRIGATION	(5)	BANNOCK
09S	38E	15	NE SW		01	IRRIGATION	(5)	BANNOCK
09S	38E	15	NW SW		01	IRRIGATION	(5)	BANNOCK
09S	38E	15	SW SW	2	01	IRRIGATION	(5)	BANNOCK

Water right number - 29-00036

Prefix Translation: WATER RIGHT

+ - - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	38E	15	SE SW	3		01	IRRIGATION	(5) BANNOCK
09S	38E	16	SE NE	1		01	IRRIGATION	(5) BANNOCK
09S	38E	20	NE SE	1		01	IRRIGATION	(5) BANNOCK
09S	38E	20	NW SE	2		01	IRRIGATION	(5) BANNOCK
09S	38E	20	SW SE			01	IRRIGATION	(5) BANNOCK
09S	38E	20	SE SE			01	IRRIGATION	(5) BANNOCK
09S	38E	21	NW SW	4		01	IRRIGATION	(5) BANNOCK
09S	38E	21	SW SW			01	IRRIGATION	(5) BANNOCK
09S	38E	21	SE SW	3		01	IRRIGATION	(5) BANNOCK
09S	38E	21	SW SE	2		01	IRRIGATION	(5) BANNOCK
09S	38E	21	SE SE	1		01	IRRIGATION	(5) BANNOCK
09S	38E	22	NW NE	1		01	IRRIGATION	(5) BANNOCK
09S	38E	22	SW NE	3		01	IRRIGATION	(5) BANNOCK
09S	38E	22	NE NW	2		01	IRRIGATION	(5) BANNOCK
09S	38E	22	SW SW	10		01	IRRIGATION	(5) BANNOCK
09S	38E	22	NE SE			01	IRRIGATION	(5) BANNOCK
09S	38E	22	NW SE	4		01	IRRIGATION	(5) BANNOCK
09S	38E	22	SE SE			01	IRRIGATION	(5) BANNOCK
09S	38E	28	NW NE			01	IRRIGATION	(5) BANNOCK
09S	38E	28	NE NW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	NW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	SW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	SE NW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	NW SW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	SW SW			01	IRRIGATION	(5) BANNOCK
09S	38E	28	SE SW			01	IRRIGATION	(5) BANNOCK
09S	38E	29	NE NE			01	IRRIGATION	(5) BANNOCK
09S	38E	29	NW NE			01	IRRIGATION	(5) BANNOCK
09S	38E	29	SW NE			01	IRRIGATION	(5) BANNOCK
09S	38E	29	SE NE			01	IRRIGATION	(5) BANNOCK
09S	38E	29	NE SE			01	IRRIGATION	(5) BANNOCK
09S	38E	29	NW SE			01	IRRIGATION	(5) BANNOCK
09S	38E	32	SW SE			01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN AMT. OF 32CFS AS PER MEMORANDUM DECISION #2203.
ACRES IRR. - 831.16.
P/U INCOMPLETE.

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

No Old Water Right Numbers found.

DETERM SPECIFICIES SUCH
DELIVERY LANGUAGE AS
TO PERIOD, QUANT & SOURCES

Water right number - 29-00036

Prefix Translation: WATER RIGHT

+ - - - - 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 - 07/15/85 05/22/88 CONVERT 02/06/98 CLEARFLD

+ - - - - 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 A29-00036

Spatial Dynamics AMH

7/31/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	22	SWSE	16	40	Indiscernable
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	Indiscernable
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	10	NENW	4	40	Indiscernable
09s38e	10	NWNW	13	40	Indiscernable
09s38e	10	SWNW	23	16	
09s38e	10	NESW	8	9.4	
09s38e	10	NWSW	30	30	
09s38e	10	SWSW	5	17	Indiscernable
09s38e	10	SESW	22	27	
09s38e	15	NENW	25	2.1	Indiscernable
09s38e	15	NWNW	12	20	Indiscernable
09s38e	15	SWNW	13	21	Indiscernable
09s38e	15	NESW	8	5.5	
09s38e	15	NWSW	32	34	
09s38e	15	SWSW	5	10	Indiscernable
09s38e	15	SESW	11	19	
09s38e	19	NWSE	40	38	
09s38e	19	SWSE	15	19	
09s38e	19	SESE	30	32	
09s38e	20	NESW	10	13	
09s38e	20	SESW	23	31	Indiscernable
09s38e	20	NESE	20	24	
09s38e	20	NWSE	21	28	
09s38e	20	SWSE	38	40	
09s38e	20	SESE	29	29	
09s38e	21	NESW	5	8.6	
09s38e	21	NWSW	20	23	
09s38e	21	SWSW	32	34	
09s38e	21	SESE	15	20	
09s38e	22	NWNE	10	7.8	
09s38e	22	SWNE	25	19	
09s38e	22	NENW	17	15	

Log for claim A29-00036

Spatial Dynamics AMH

7/31/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	22	SENW	1	4.3	Indiscernable
09s38e	22	SWSW	4	19	Indiscernable
09s38e	22	NESE	1	38	Indiscernable
09s38e	22	NWSE	2	28	Indiscernable
09s38e	22	SESE	12	38	Indiscernable
09s38e	23	SWSW	1	15	Indiscernible
09s38e	26	NWNW	2	39	Indiscernible
09s38e	27	NENE	2	40	Indiscernible
09s38e	28	NENW	6	20	Indiscernable
09s38e	28	NWNW	24	30	
09s38e	28	SWNW	27	32	
09s38e	28	SENW	10	18	
09s38e	28	NWSW	3	28	Indiscernable
09s38e	29	NENE	40	40	
09s38e	29	NWNE	35	32	
09s38e	29	SWNE	15	11	
09s38e	29	SENE	40	40	
09s38e	29	NENW	23	31	
09s38e	29	NWNW	30	35	
09s38e	29	SWNW	40	39	
09s38e	29	NESW	10	23	Indiscernible
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	Indiscernible
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	Indiscernible
09s38e	30	NESE	33	38	
09s38e	30	SESE	26	26	
09s38e	33	NENW	6	15	Indiscernible
Totals:			1621	2180.9	

AJ5809NP
No. A29-00036

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DEMPSEY IRRIGATING CO C/O EARL SMITH PO BOX 235 LAVA HOT SPRINGS ID 83246 (208) 776-5348	04/18/1898	IRRIGATION	04-15 09-15	32.000 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	32.000 CFS	4052.50 AFA
C	TOPAZ IRRIGATION CO C/O GENE FAGNANT PO BOX 293 LAVA HOT SPRINGS ID 83246 (208) 776-5348					

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T08S R38E S28

SWNESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09S	37E	22	:																	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	:		09				22											42.0
09S	37E	27	:	25																25.0
09S	38E	10	:					04	13	23		08	01-30	02-05	22					105.0
09S	38E	15	:					25	01-12	13		08		32	02-05	03-11				106.0
09S	38E	19	:														40	15	30	85.0
09S	38E	20	:									10				20	21	38	29	141.0
09S	38E	21	:									05	20	32					15	72.0
09S	38E	22	:		01-10	03-25			02-17		01			10-04		01	04-02		12	72.0
09S	38E	23	:												01					1.0
09S	38E	26	:						02											2.0
09S	38E	27	:																	2.0
09S	38E	28	:					06	24	27	10			03						70.0
09S	38E	29	:	40	35	15	40	23	30	40		10		16						249.0
09S	38E	30	:	38	26	38	30	09	34	25	40	40		06		33		26		345.0
09S	38E	33	:					06												6.0
																			TOTAL ACRES	1621.0

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATERING.

Other Rights: 29-00037, 00180, 00147

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

AJ5809NP
No. A29-00036

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 7

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A29-00032 A29-00035 A29-00037 A29-00046 A29-11773 A29-12078 A29-12079

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

A29-00037	A29-00047A	A29-00048	A29-00147	A29-00152	A29-00152A	A29-00153	A29-00153A	A29-00158	A29-00158A
A29-00158B	A29-00158C	A29-00158D	A29-00158E	A29-00159	A29-00159A	A29-00159B	A29-00159C	A29-00160	A29-00160A
A29-00163	A29-00170	A29-00171	A29-00174	A29-00175	A29-00180	A29-00182	A29-00182A	A29-00182B	A29-00183
A29-00184	A29-02378	A29-02452	A29-04272	A29-04467	A29-07241	A29-07393	A29-07530	A29-10073	A29-10074
A29-10816	A29-10831	A29-10833	A29-10848	A29-11773	A29-11774	A29-12064			

Remarks: GEN AMT. OF 32CFS AS PER MEMORANDUM DECISION #2203.
*** BOTH CANAL COMPANIES SHARE THESE RIGHTS. THEY ARE DELIVERED
THROUGH A COMMON CANAL SYSTEM. COMPANIES ARE RESPONSIBLE FOR
DELIVERY OF WATER TO SHARE HOLDERS. THE FISH CREEK IRRIGATING
COMPANY ALSO USES THIS DELIVERY SYSTEM.
51% OF THIS RIGHT IS CURRENTLY USED BY THE TOPAZ IRRIGATION CO.

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 04/01/94 THOMPSON 03/29/95 POST-STD

APPENDAGE TO THE FILING OF WATER OF

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.

Wallace R. Whitehead
Sr.
Fish Creek Irrig Co.

Earl H. Smith
Sec.
Dempsey Irrig Co.

MICROFILMED

NOV 13 1992

JUN 08 2001

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: A29-00036
Date Received: 4/04/1990
Receipt No: E012793
Received By: SBV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEMPSEY IRRIGATING CO. 208-776-5348
Address: C/O EARL SMITH
P.O. BOX 235
LAVA HOT SPRINGS, ID 83246
AND
Name: TOPAZ IRRIGATION CO. 208-776-5348
Address: C/O GENE FAGNANT
P.O. BOX 293
LAVA HOT SPRINGS, ID 83246

A2900036

2. Date of Priority: APR 18, 1898
3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	38E	28	SW	NE	SW		BANNOCK

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	32.000		

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

A.F.A.

8. Total consumptive use is 4052.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING.

A29-00036

Page 1

Date: 04/04/90

MICROFILMED

NOV 13 1992

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				
		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		10	NE	NW		IRR	4.0
			NW	NW		IRR	13.0
			SW	NW		IRR	23.0
			NE	SW		IRR	8.0
			NW	SW	1	IRR	30.0
			SW	SW	2	IRR	5.0
			SE	SW		IRR	22.0
		Section Acres					105.0
		15	NE	NW		IRR	25.0
			NW	NW	1	IRR	12.0
			SW	NW		IRR	13.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	15	NE	SW		IRR	8.0
			NW	SW		IRR	32.0
			SW	SW	2	IRR	5.0
			SE	SW	3	IRR	11.0
					Section Acres		106.0
		19	NW	SE		IRR	40.0
			SW	SE		IRR	15.0
			SE	SE		IRR	30.0
						Section Acres	
		20	NE	SW		IRR	10.0
			SE	SW		IRR	23.0
			NE	SE		IRR	20.0
			NW	SE		IRR	21.0
			SW	SE		IRR	38.0
			SE	SE		IRR	29.0
			Section Acres		141.0		
21	NE	SW		IRR	5.0		
	NW	SW		IRR	20.0		
	SW	SW		IRR	32.0		
	SE	SE		IRR	15.0		
			Section Acres		72.0		
22	NW	NE	1	IRR	10.0		
	SW	NE	3	IRR	25.0		
	NE	NW	2	IRR	17.0		
	SE	NW		IRR	1.0		
	SW	SW	10	IRR	4.0		
	NE	SE		IRR	1.0		
	NW	SE	4	IRR	2.0		
	SE	SE		IRR	12.0		
			Section Acres		72.0		
23	SW	SW		IRR	1.0		
				Section Acres		1.0	
26	NW	NW		IRR	2.0		
				Section Acres		2.0	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	27	NE	NE		IRR	2.0
			Section Acres				2.0
		28	NE	NW		IRR	6.0
			NW	NW		IRR	24.0
			SW	NW		IRR	27.0
			SE	NW		IRR	10.0
			NW	SW		IRR	3.0
			Section Acres				70.0
		29	NE	NE		IRR	40.0
			NW	NE		IRR	35.0
			SW	NE		IRR	15.0
			SE	NE		IRR	40.0
			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				249.0
		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
		33	NE	NW		IRR	6.0
			Section Acres				6.0
			Total Acres				1621.0

MICROFILMED

NOV 13 1992

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, 00180, 00147

14. Remarks:

AMT. OF 32CFS AS PER MEMORANDUM DECISION #2203.

*** BOTH CANAL COMPANIES SHARE THESE RIGHTS. THEY ARE DELIVERED THROUGH A COMMON CANAL SYSTEM. COMPANIES ARE RESPONSIBLE FOR DELIVERY OF WATER TO SHARE HOLDERS. THE FISH CREEK IRRIGATING COMPANY ALSO USES THIS DELIVERY SYSTEM. 51% BELONGS TO TOPAZ

IRRIGATION COMPANY.

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

MICROFILMED

NOV 13 1992

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: 3

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 Farnant
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 266 Falls St.

My Commission Expires 22 Aug 1994

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

Number of attachments: 3

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Dempsey Irrigating Co. Title
Organization, that I have signed the foregoing
document in the space below as Secretary of
Dempsey Irrigating Co. Title
Organization and that the statements contained in the
foregoing document are true and correct.

Earl H. Smith
Signature of Authorized Agent
Secretary
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 Idaho Falls, ID.
My Commission Expires 22 Aug 1994