

11/05/2002

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

RIGHT NUMBER: 29-2378
NAME AND ADDRESS: FAGNANT & OLSON RANCH LLC
PO BOX 293
LAVA HOT SPRINGS ID 83246
SOURCE: UNNAMED STREAM TRIBUTARY: DEMPSEY CREEK
QUANTITY: 0.500 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.52 CFS. COMBINED RIGHT NOS.: 29-183, 29-184,
29-2378, 29-13310.
THIS RIGHT WHEN COMBINED WITH RIGHT NO.29-183, 29-184, 29-2378, 29-13310
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

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	0.500 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R38E S29	NESW	11.0	T09S R38E S29	SWSW	1.0
T09S R38E S29	SESW	32.0	T09S R38E S32	NENW	20.0
T09S R38E S32	NWNW	12.0			

76 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 76.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-183, 29-184, 29-2378,
29-13310.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

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

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

Township , 9S38E

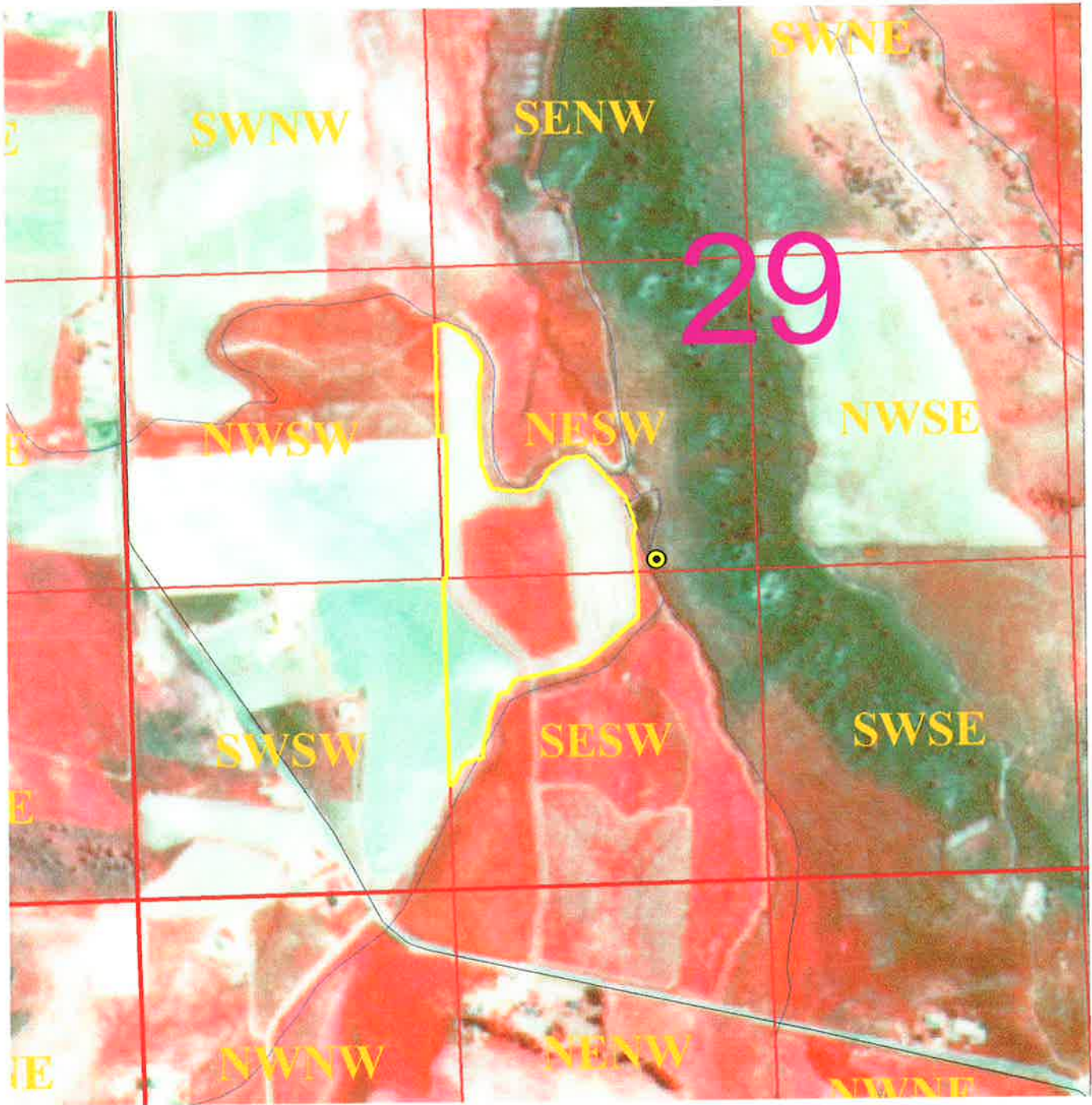


Legend

 Irrigated Area	 Section Line	 Roads
 Place of Diversion	 Quarter Section Line	 Streams and Canals



Township , 9S38E



Legend

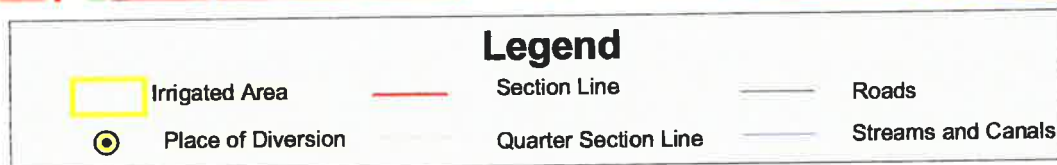
 Irrigated Area	 Section Line	 Roads
 Place of Diversion	 Quarter Section Line	 Streams and Canals



Water Right Claim Number A29-02378

08/10/2000

Township , 9S38E





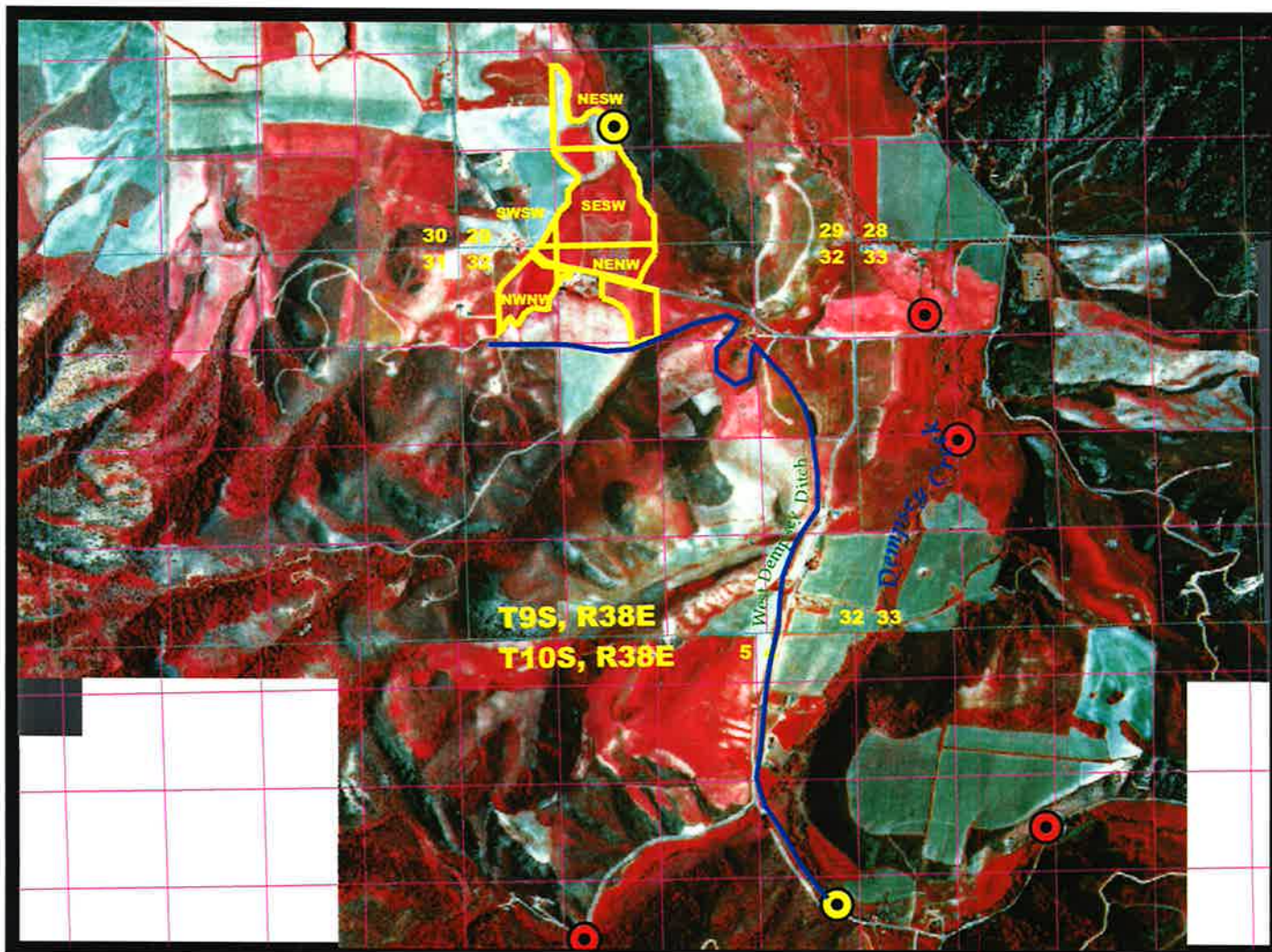
FEB 02 2006

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-00183, 29-00184,
29-02378, 29-13310

Place of Use: (parts of) T9S, R38E
Sec. 29 E2SW, SWSW,
Sec. 32 N2NW

Point(s) of Diversion: T9S, R38E
Sec. 29 SENESW (unnamed strm)
T10S, R38E
Sec. 4 NESWSW (Dempsey Ck)



LEGEND

-  **Point of Diversion**
-  **SESE** **Place of Use**
-  **Section**
-  **Quarter-Quarter**

1500 0 1500 3000 4500 6000 7500 9000 10500 12000 Feet

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: 29-2378

FAGNANT & OLSON RANCH LLC

PO BOX 293

LAVA HOT SPRINGS ID 83246

Telephone Number: (208) 776-5290

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:

RECEIVED

FEB 20 2003

Department of Water Resources
Boise, Idaho

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

DATE: 2-27-03

SIGNATURE:

Fagnant & Olson LLC by Francis A. Fagnant

Please print your name:

Fagnant & Olson Ranch LLC by Francis A. Fagnant

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

SCANNED
FEB 02 2006

PROFILED

29-2378 Lic.

I. LICKED WITH A SOURCE OF SPRING. AFTER PO

IS FROM A SMALL POND WHICH IS FED FROM A

SMALL UNNAMED STREAM BETWEEN THE SPRING

AND THE MORN-MADE POND. PO TO 10K TACT ONLY.

II. PLACE OF USE LICKED ON THE EASTERN HILL-

SIDE HAS BEEN ABANDONED. RELOCATION WAS DONE

BY PUMP AND SPRINKLES FROM THE POND. IT

NOW OUTLAYS THE OTHER LANDS AS (ALL) SOURCE

WATERS ARE AVAILABLE.

III. SOU NOT LICKED - LICKED 4/1 TO 10/31 PDR

TDWR STD FOR ANGR.

PROTECTED

FEB 02 2006

SCANNED

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/26/01 13:14:51
Page 1

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
Phone -

State- ID Zip- 83246

+ - - 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 *can*

+ - 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 *de*

+ - - 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.

SCANNED
FEB 02 2006

SCANNED

JUN 08 2001

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	

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/ GED. N. CARTER

State Reclamation Engineer.

(SEAL)

29 2378

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

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 $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
9 S	38 E.	29	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	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, 1957, 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$\frac{1}{4}$SW$\frac{1}{4}$ 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$\frac{1}{4}$SW$\frac{1}{4}$ 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 thereby.

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:

$E\frac{1}{2}SW\frac{1}{4}$, 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

INSTRUCTIONS TO EXAMINERS

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.

RECEIVED
SEP 22 1959
Department of Reclamation

Arthur J. Fagnant
Lava Hot Springs, Idaho

Permit No. 26551

Examination for Beneficial Use

County Bannock

29-9S.-38E.

Q = 0.5 a.f.s.

S = Spring

P.D. = SE, SW, Sec. 29, T. 9 S. - R. 38 E.

Use = Irrigation

Filed = Aug. 20, 1956

Due = Oct. 4, 1958

10" 9/10, Lumber Co.

4/11 = 8-25-58.

Cornell Center

4' x 3" # 2710

3 RF-6 model

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

SCANNED

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: A29-02378
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 of	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

IN 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 A29-02378Date Received 4-4-90Receipt Number 6012800NOTICE 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) Spring
which 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.

MICROFILMED

NOV 13 1992

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

MICROFILMED

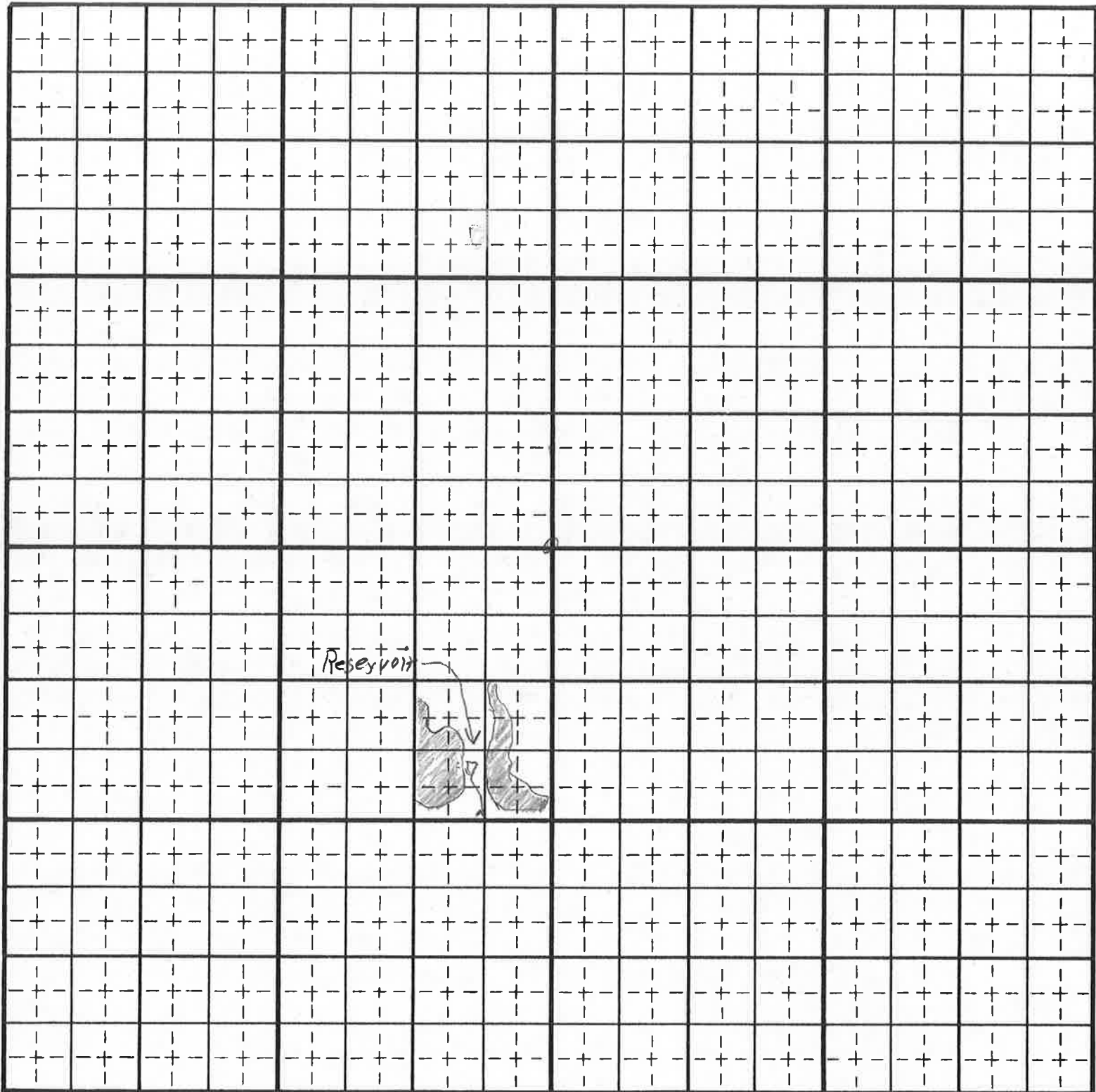
NOV 13 1992

Last Name Olson and/or Fagnant Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile *SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ S29 T9S R38E*



Last Name *Fagnant* Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 26551
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 M. 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 22 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 _____

MICROFILMED

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Copies White-State, Yellow-Claimant