

03/04/2003

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

RIGHT NUMBER: 29-11773
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: 08/07/1932

POINT OF DIVERSION:

T08S R38E S28 SWNESW Within BANNOCK County Source: PORTNEUF RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	09/16 10/31	32.000 CFS

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:

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: Beneficial Use

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.

02/06/2003

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

RIGHT NUMBER: 29-11773
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: 08/07/1932

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	09/16 10/31	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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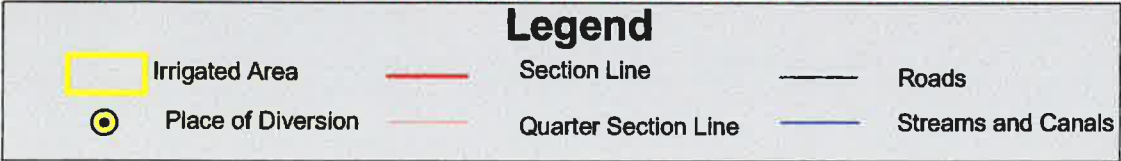
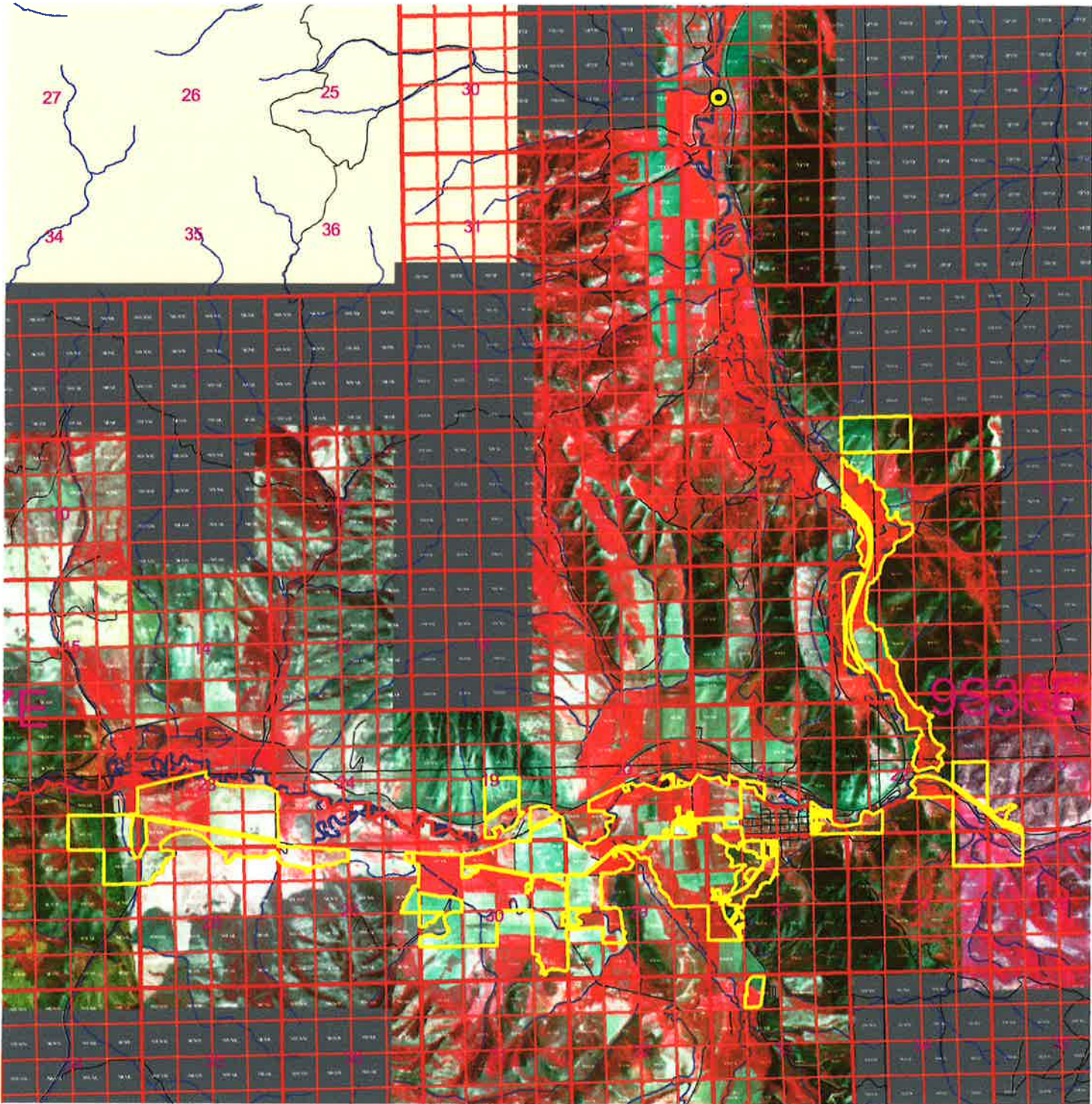
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T9S R38E WHERE IT IS SPLIT OFF THE CANAL SYSTEM AND BECOMES ITS
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RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Water Right Claim Number A29-11773
Townships , 9S38E, 9S37E

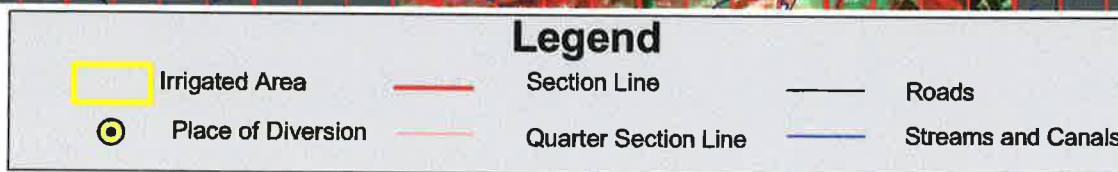
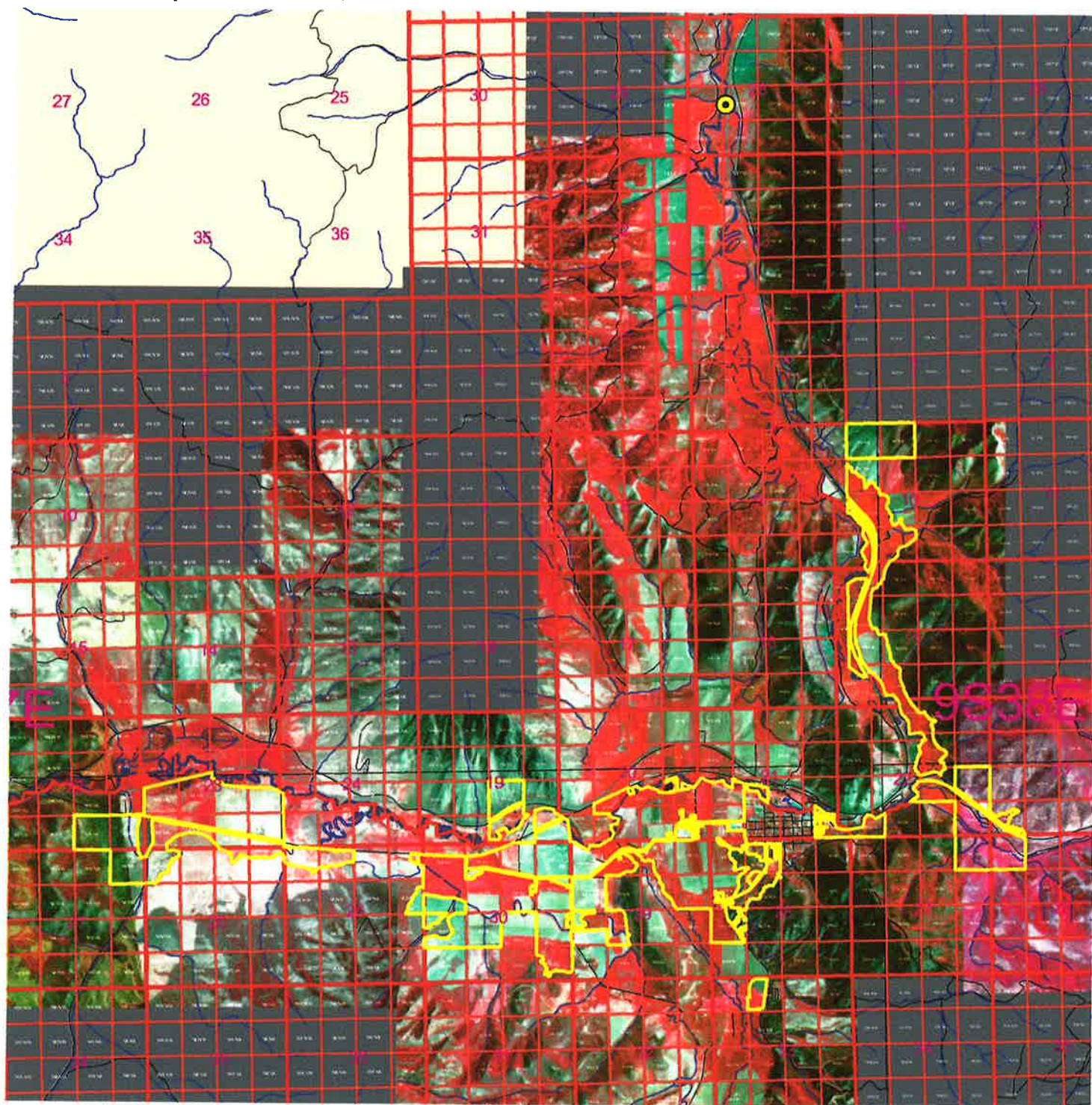
09/11/2000



Water Right Claim Number A29-11773

09/11/2000

Townships , 9S38E, 9S37E



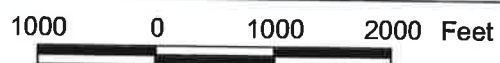
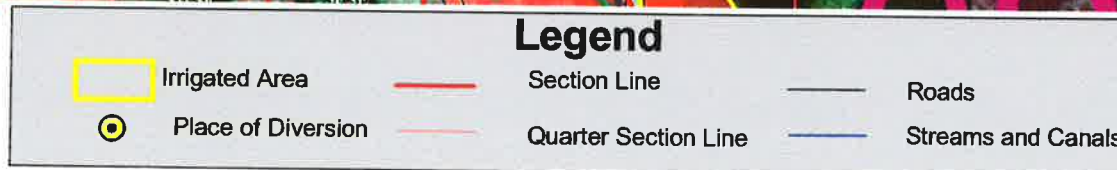
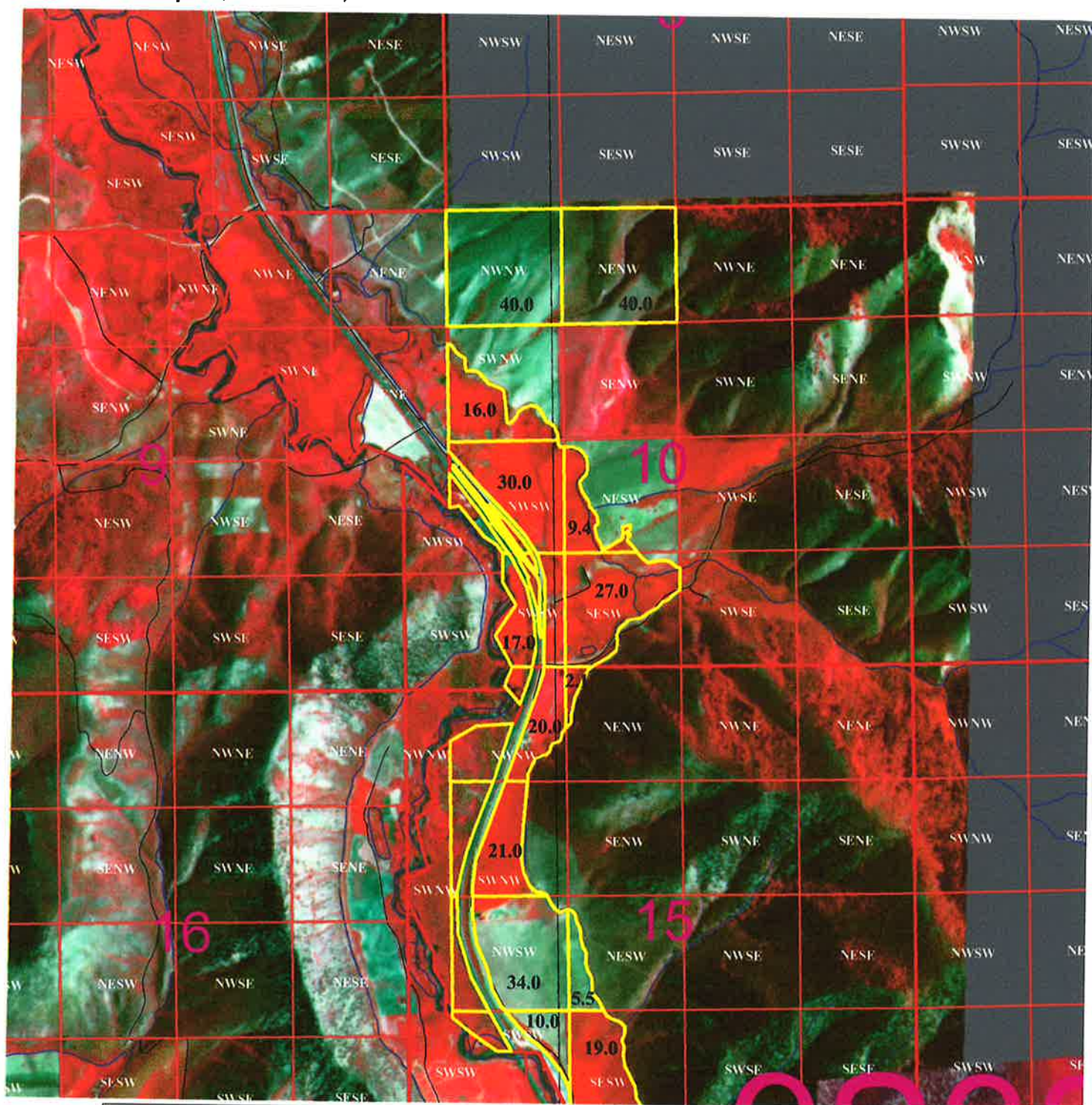
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Water Right Claim Number A29-11773

09/11/2000

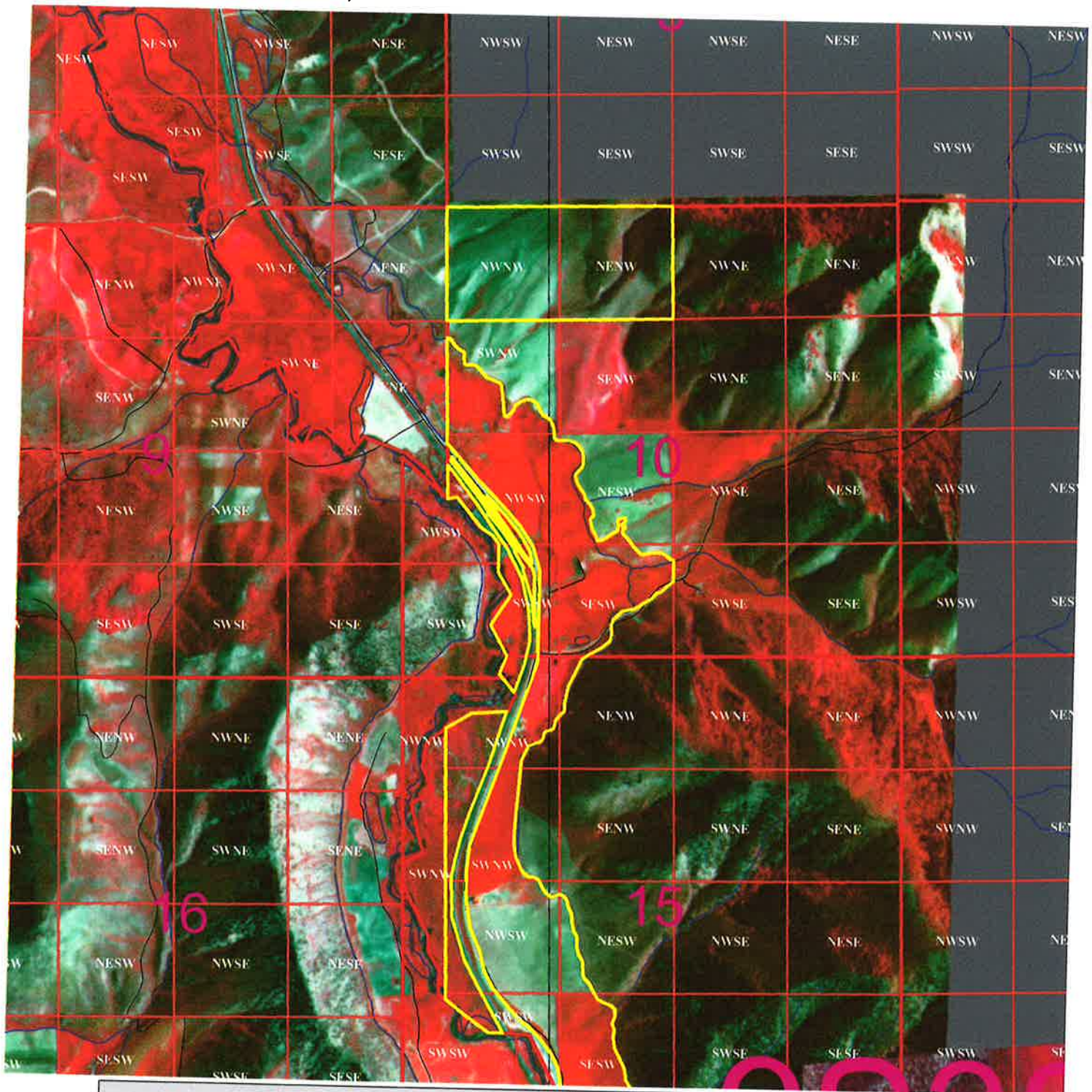
Townships , 9S38E, 9S37E



Water Right Claim Number A29-11773

Townships , 9S38E, 9S37E

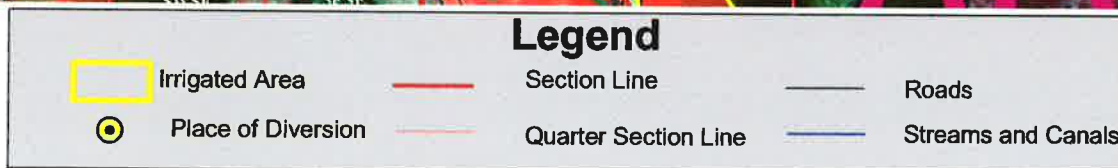
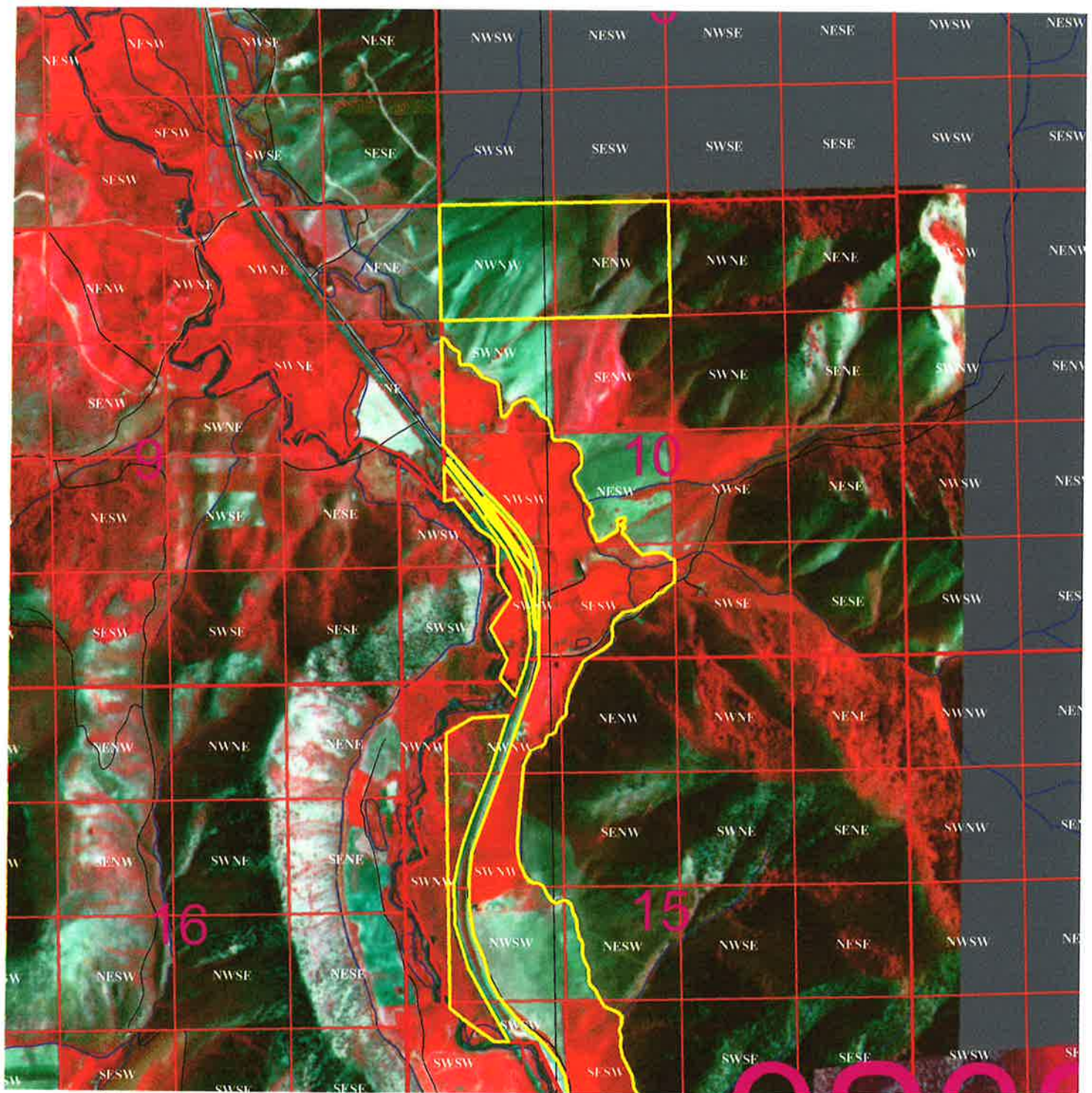
09/11/2000



Water Right Claim Number A29-11773

09/11/2000

Townships , 9S38E, 9S37E



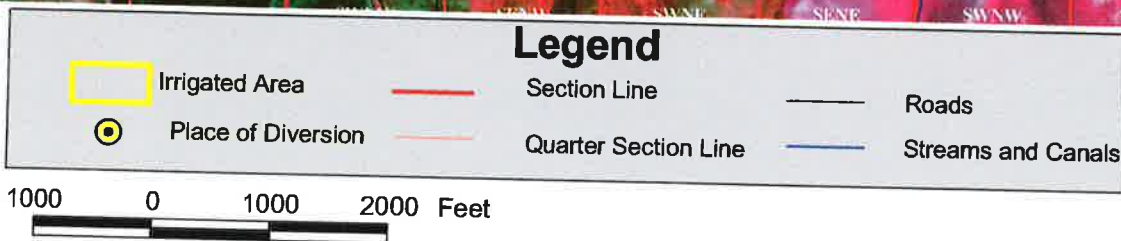
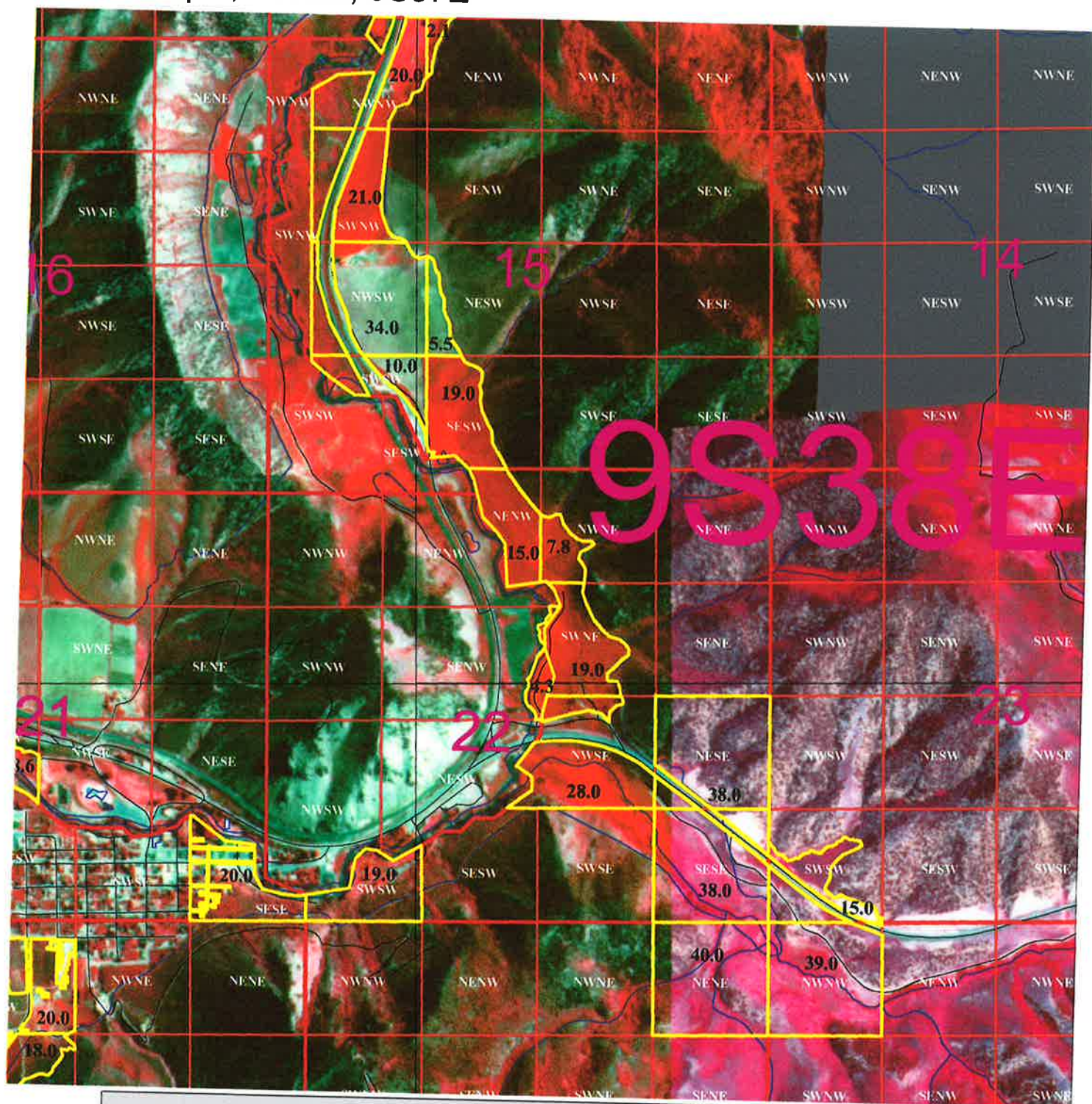
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Water Right Claim Number A29-11773

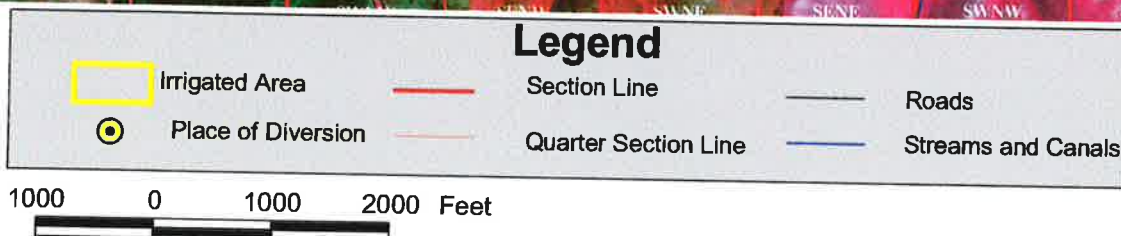
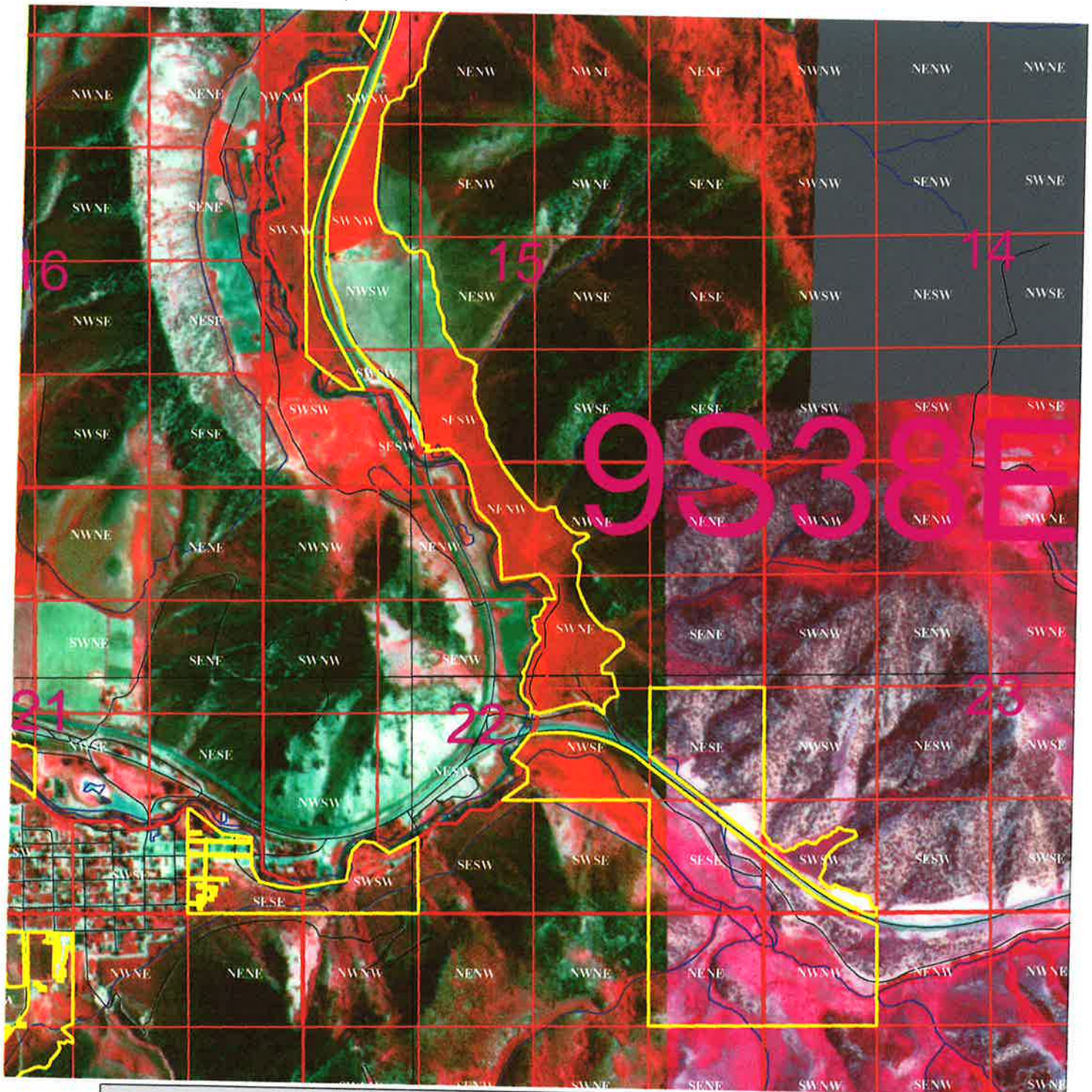
Townships , 9S38E, 9S37E

09/11/2000



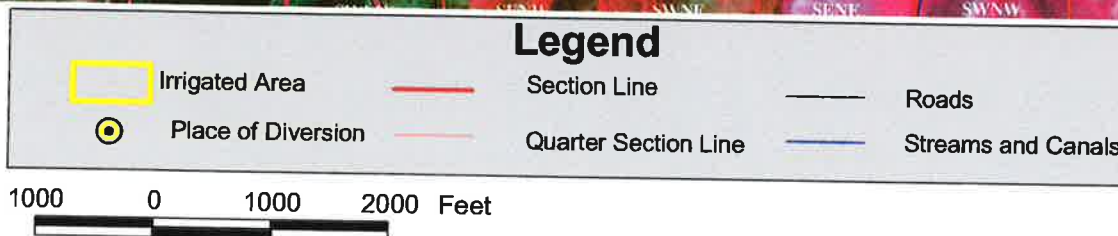
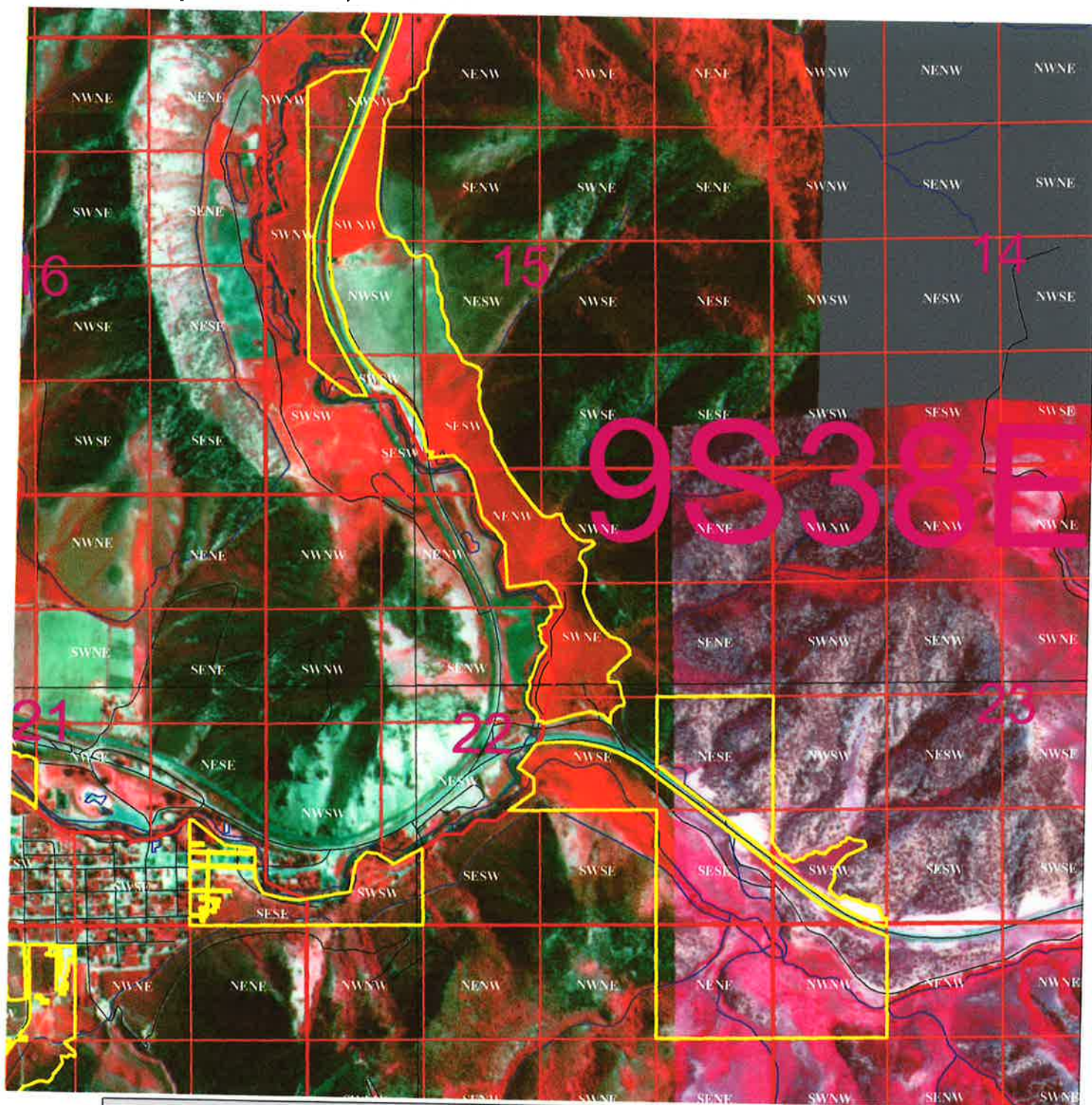
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Townships , 9S38E, 9S37E

09/11/2000



Water Right Claim Number A29-11773
Townships , 9S38E, 9S37E

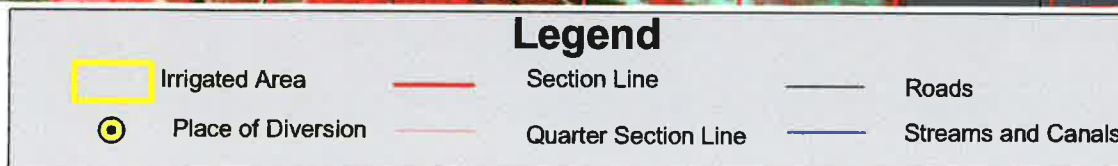
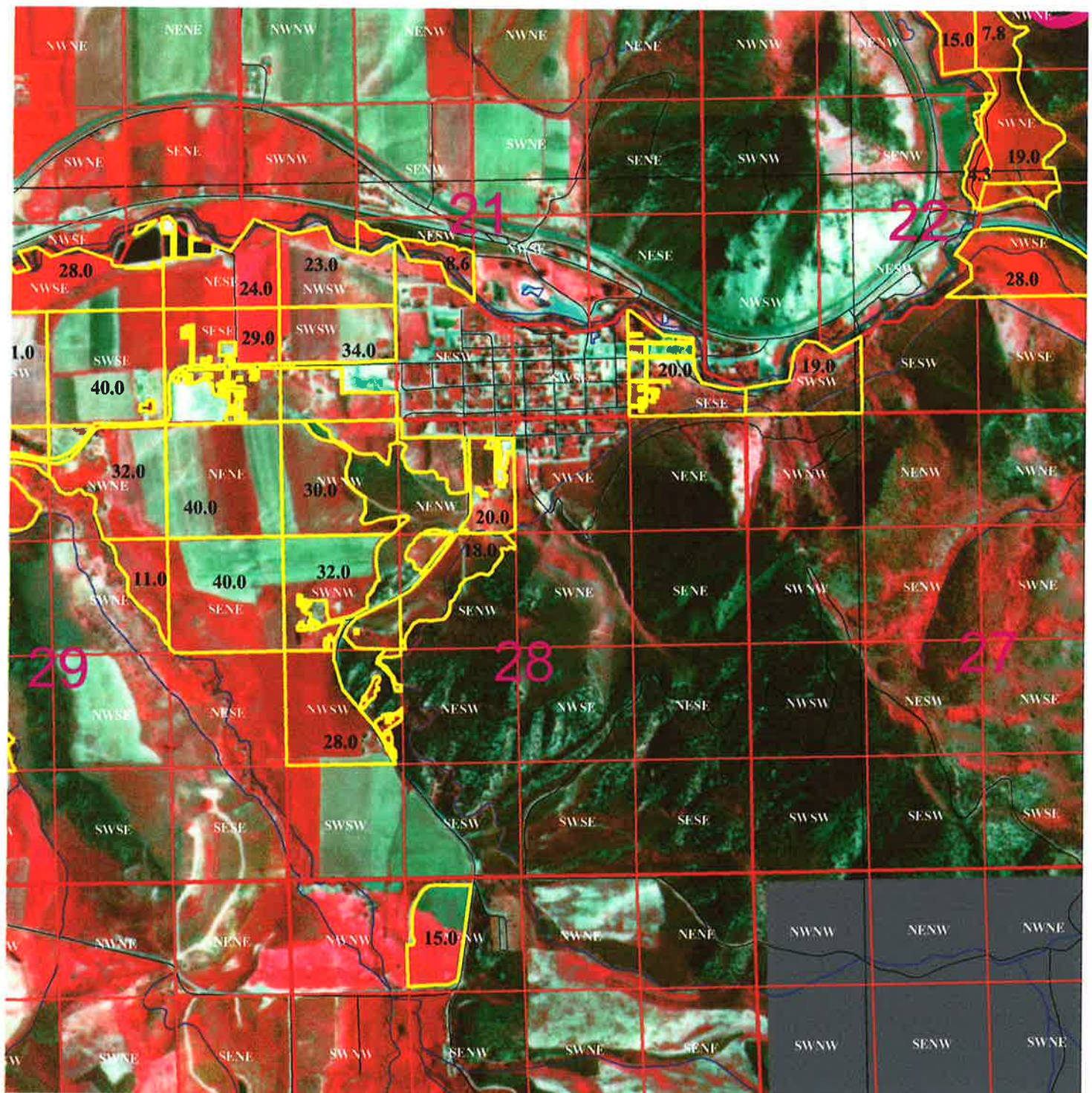
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Water Right Claim Number A29-11773

09/11/2000

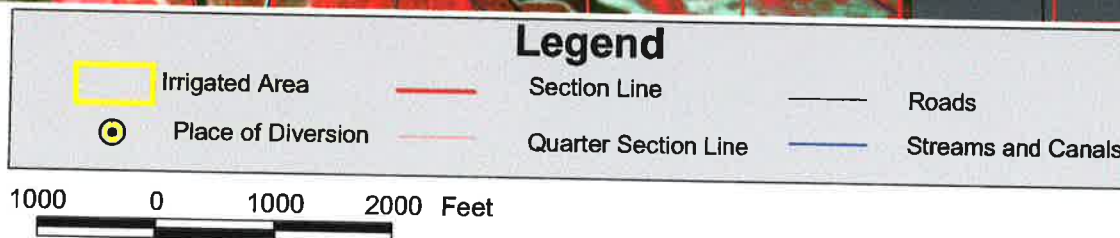
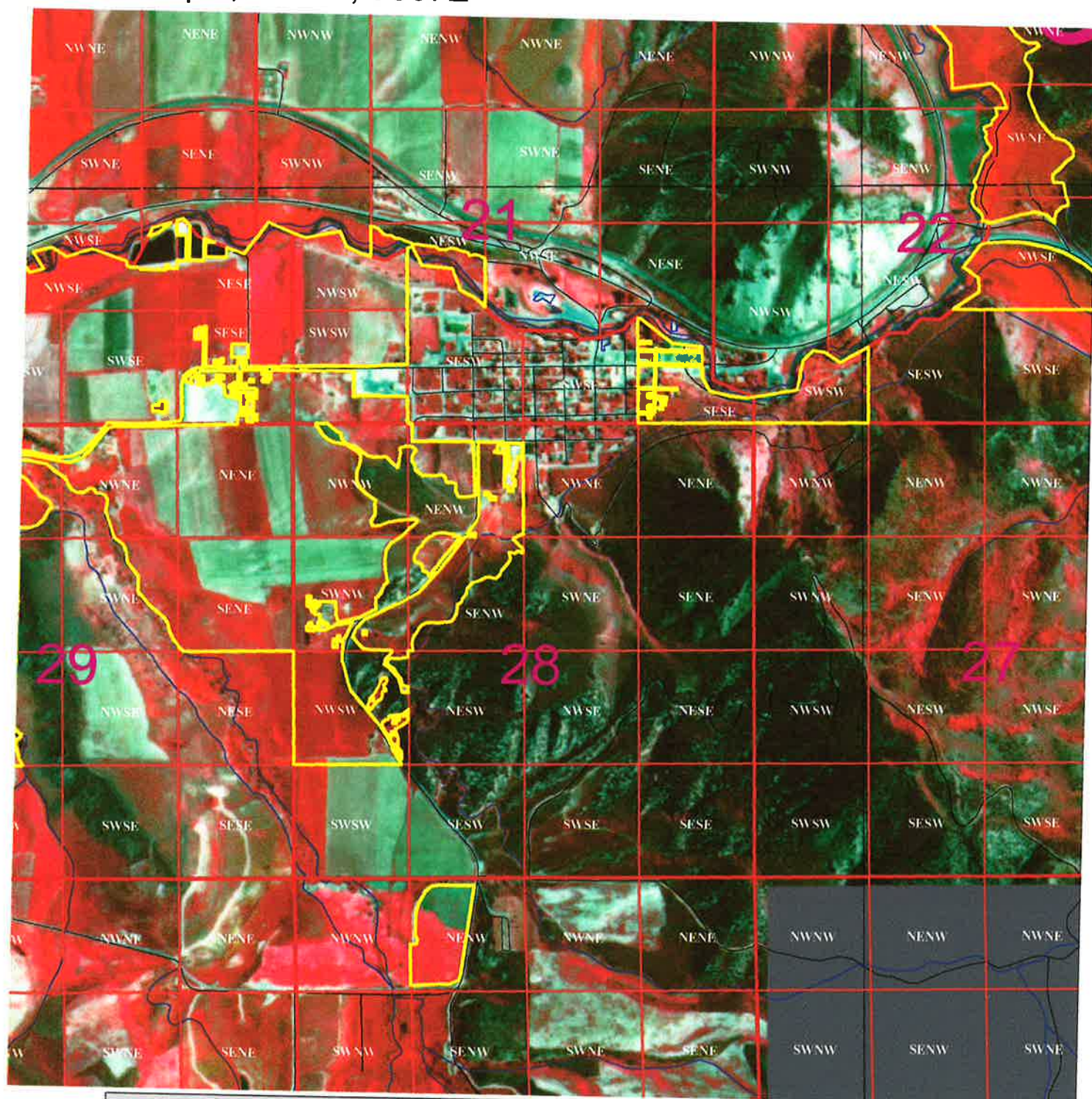
Townships , 9S38E, 9S37E



Water Right Claim Number A29-11773

Townships , 9S38E, 9S37E

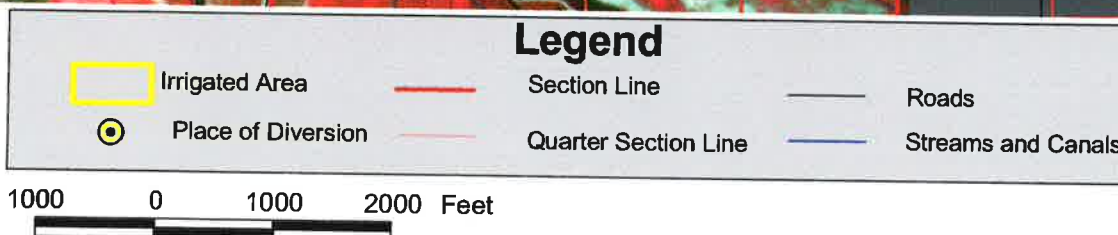
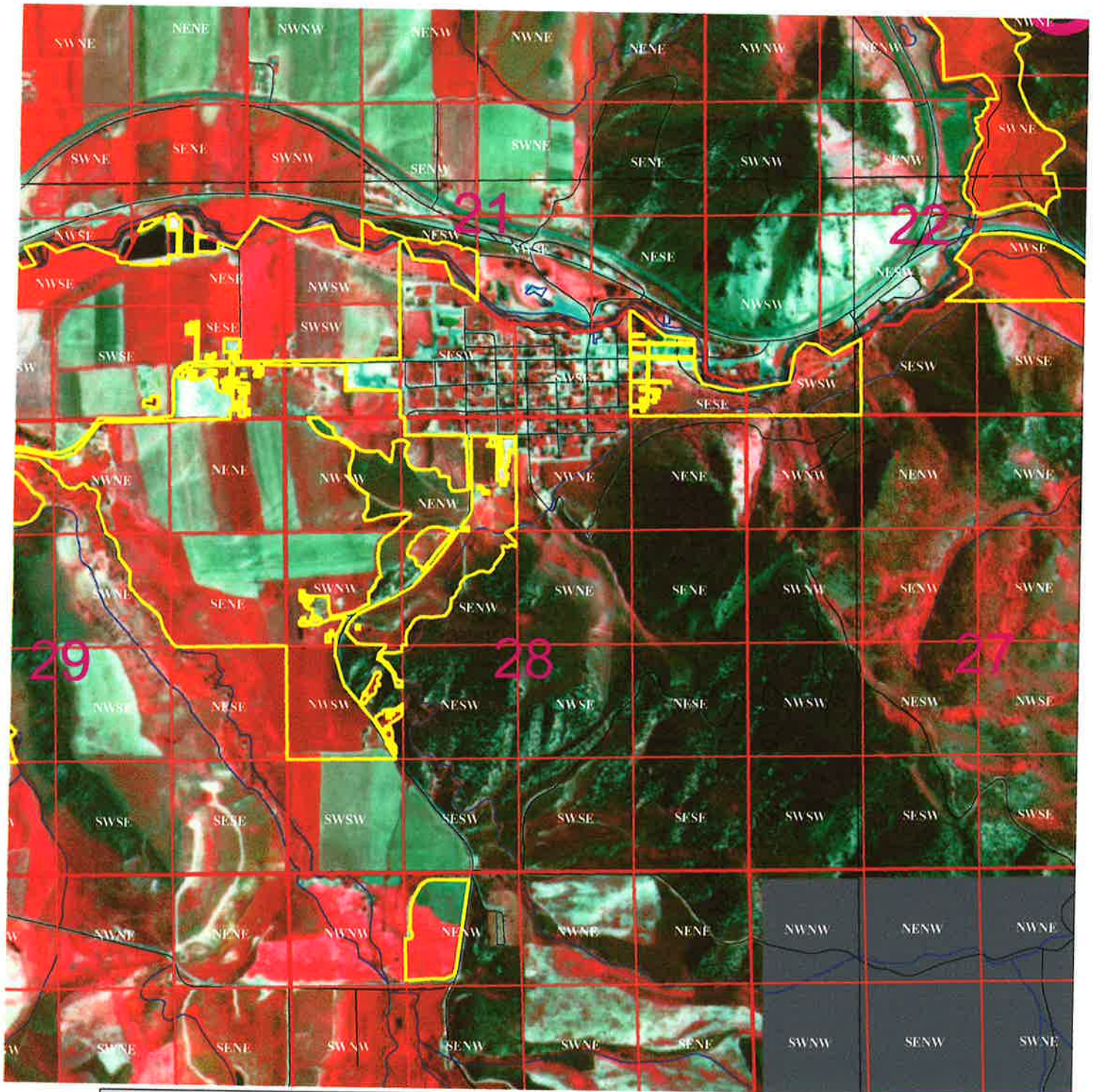
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Water Right Claim Number A29-11773

Townships , 9S38E, 9S37E

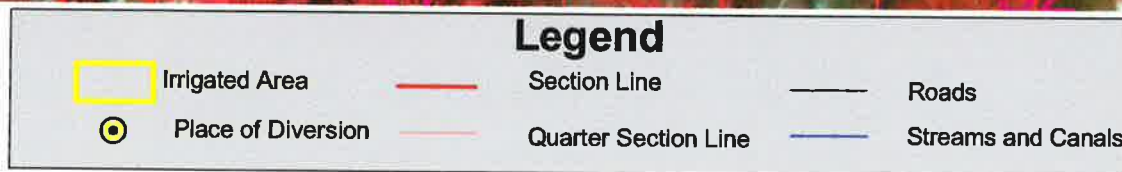
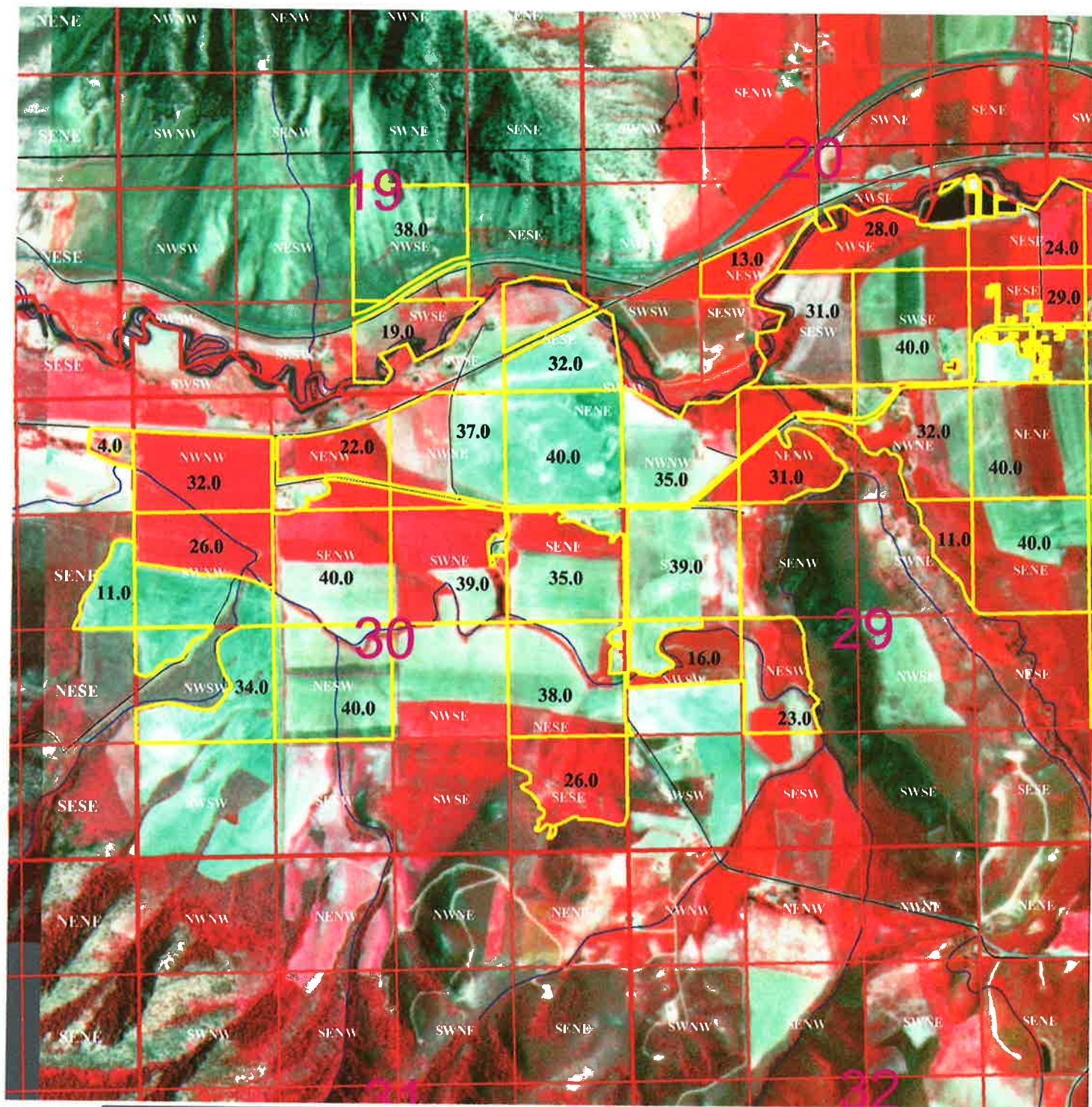
09/11/2000



Water Right Claim Number A29-11773

09/11/2000

Townships , 9S38E, 9S37E



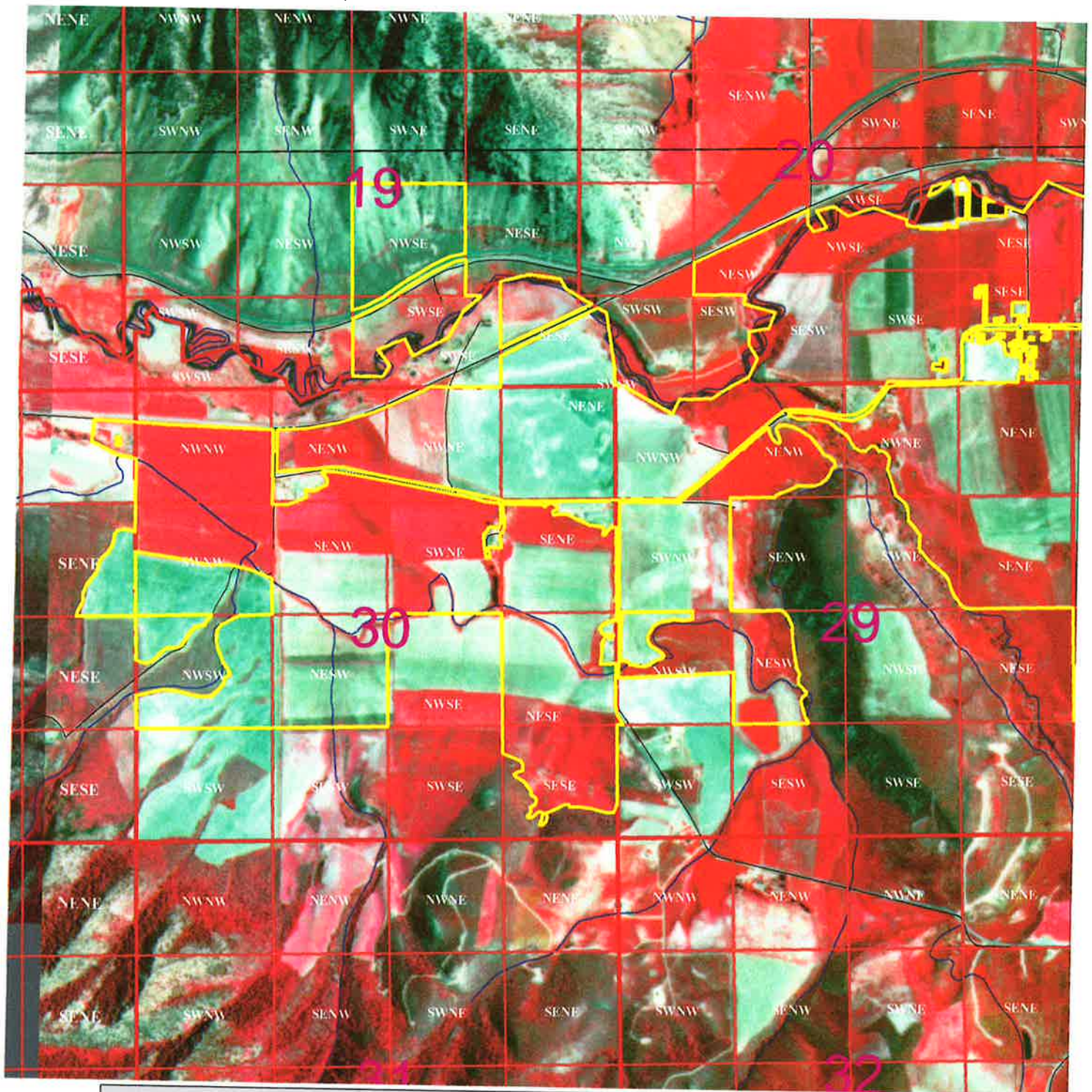
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Water Right Claim Number A29-11773

Townships , 9S38E, 9S37E

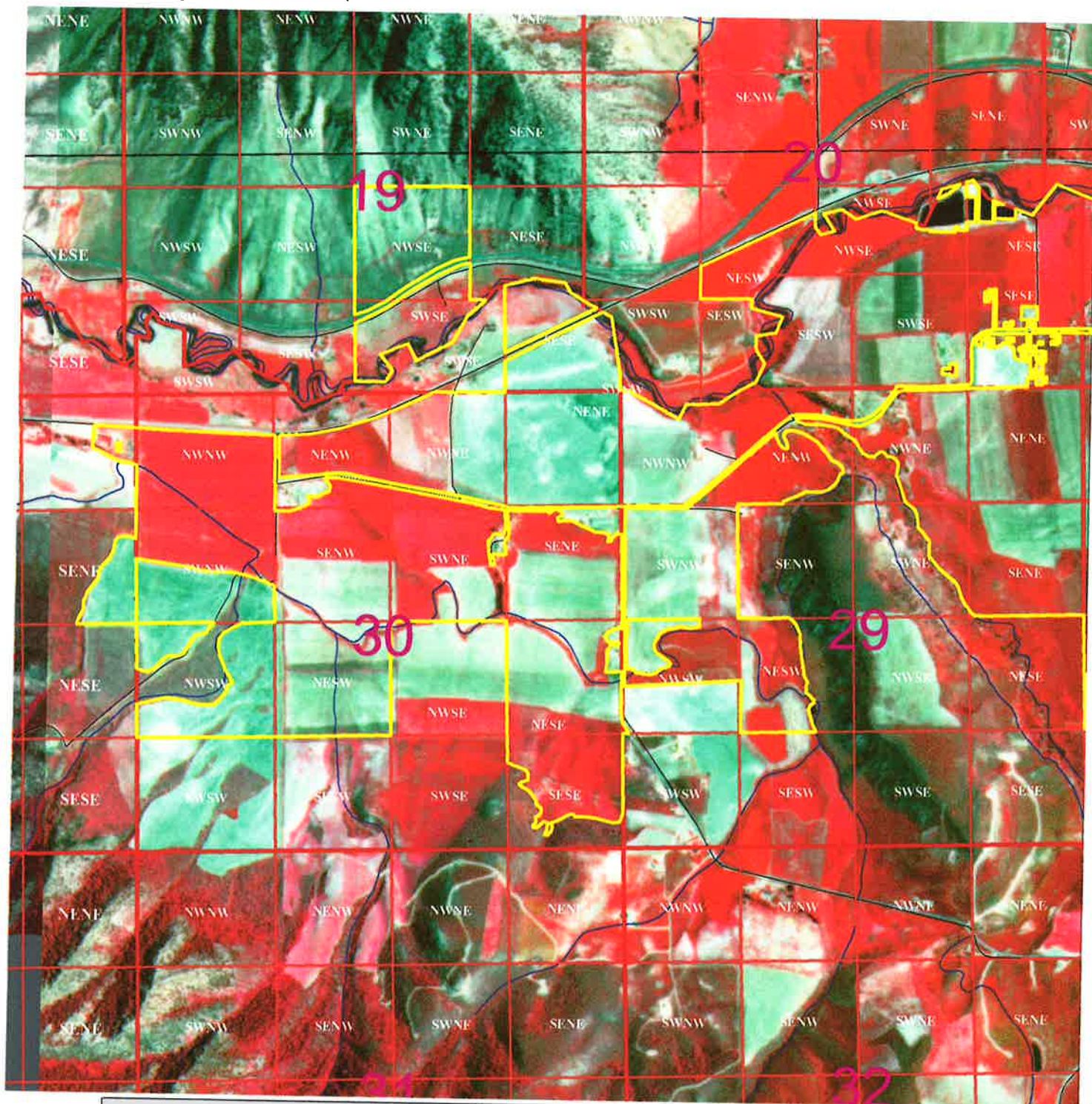
09/11/2000



Water Right Claim Number A29-11773

Townships , 9S38E, 9S37E

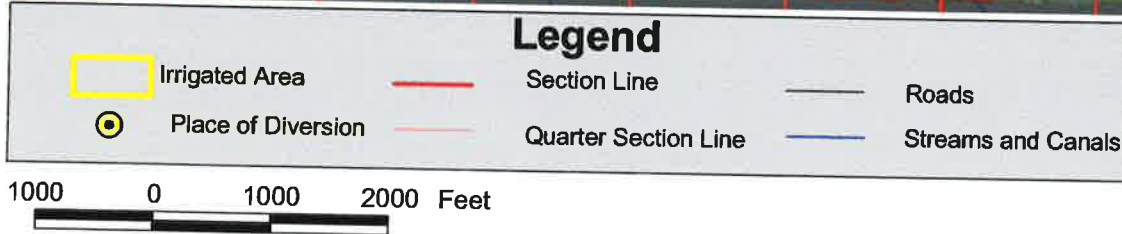
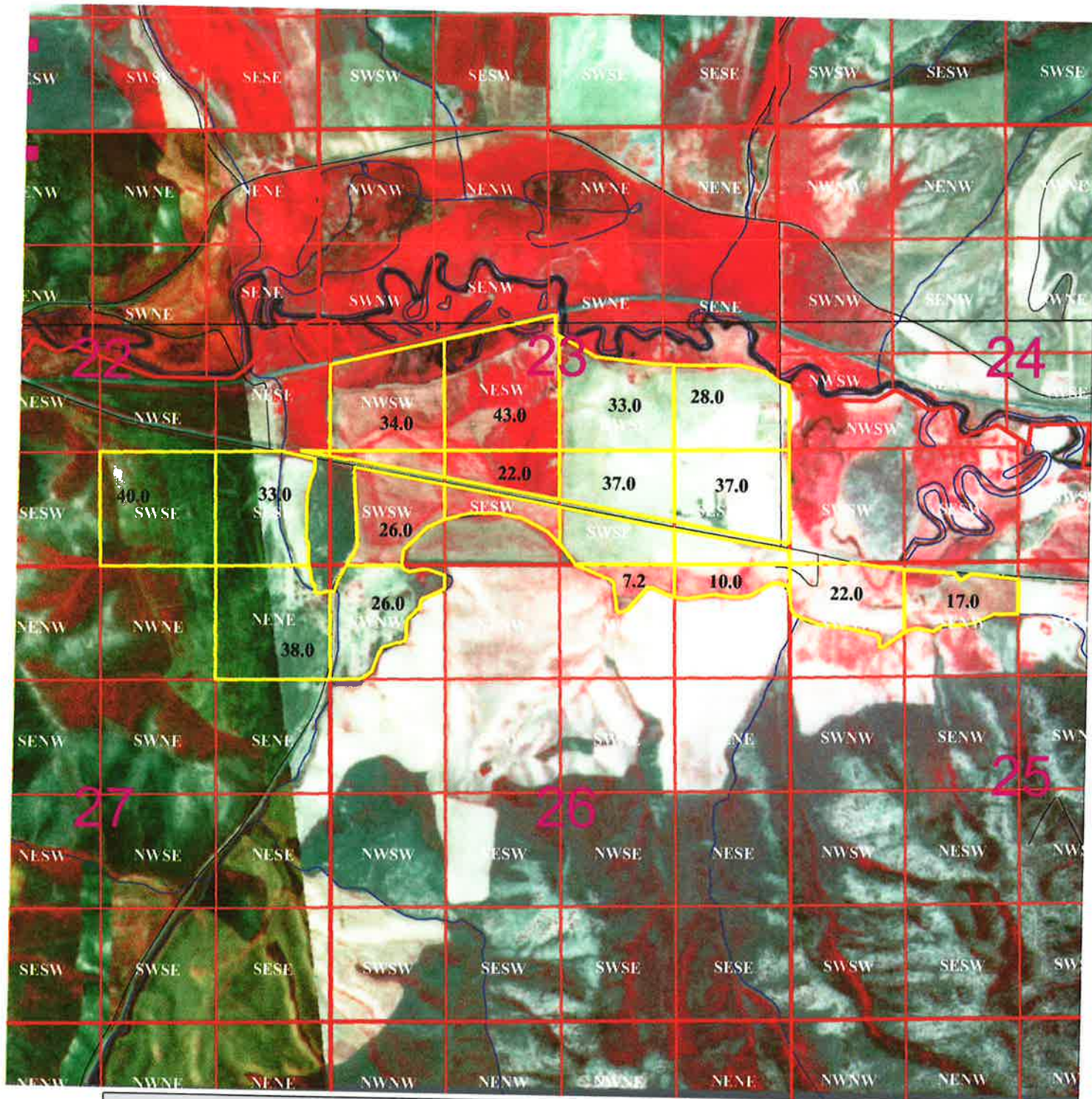
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Water Right Claim Number A29-11773

Townships , 9S38E, 9S37E

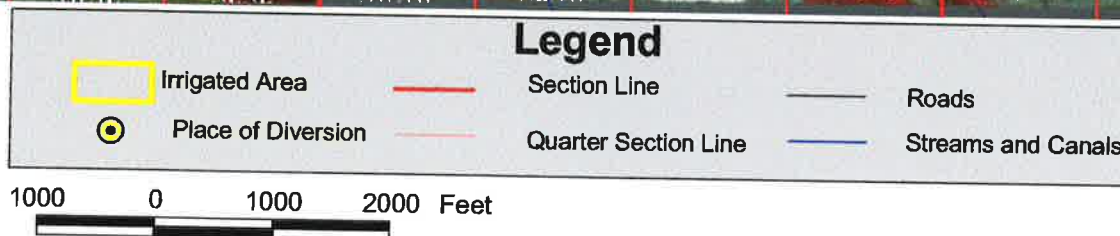
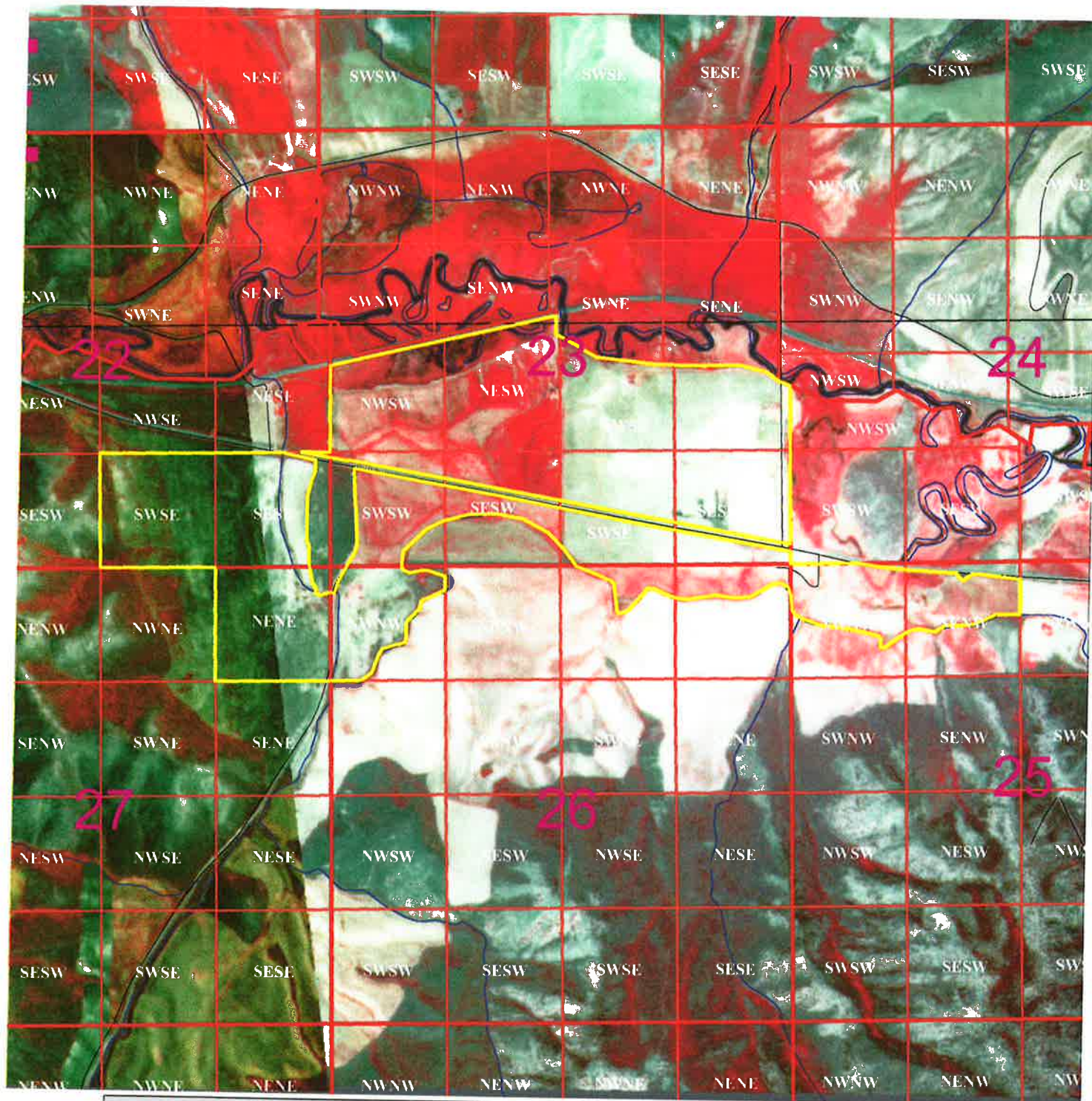
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Water Right Claim Number A29-11773

Townships , 9S38E, 9S37E

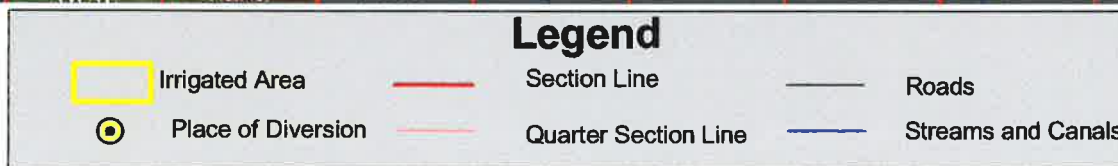
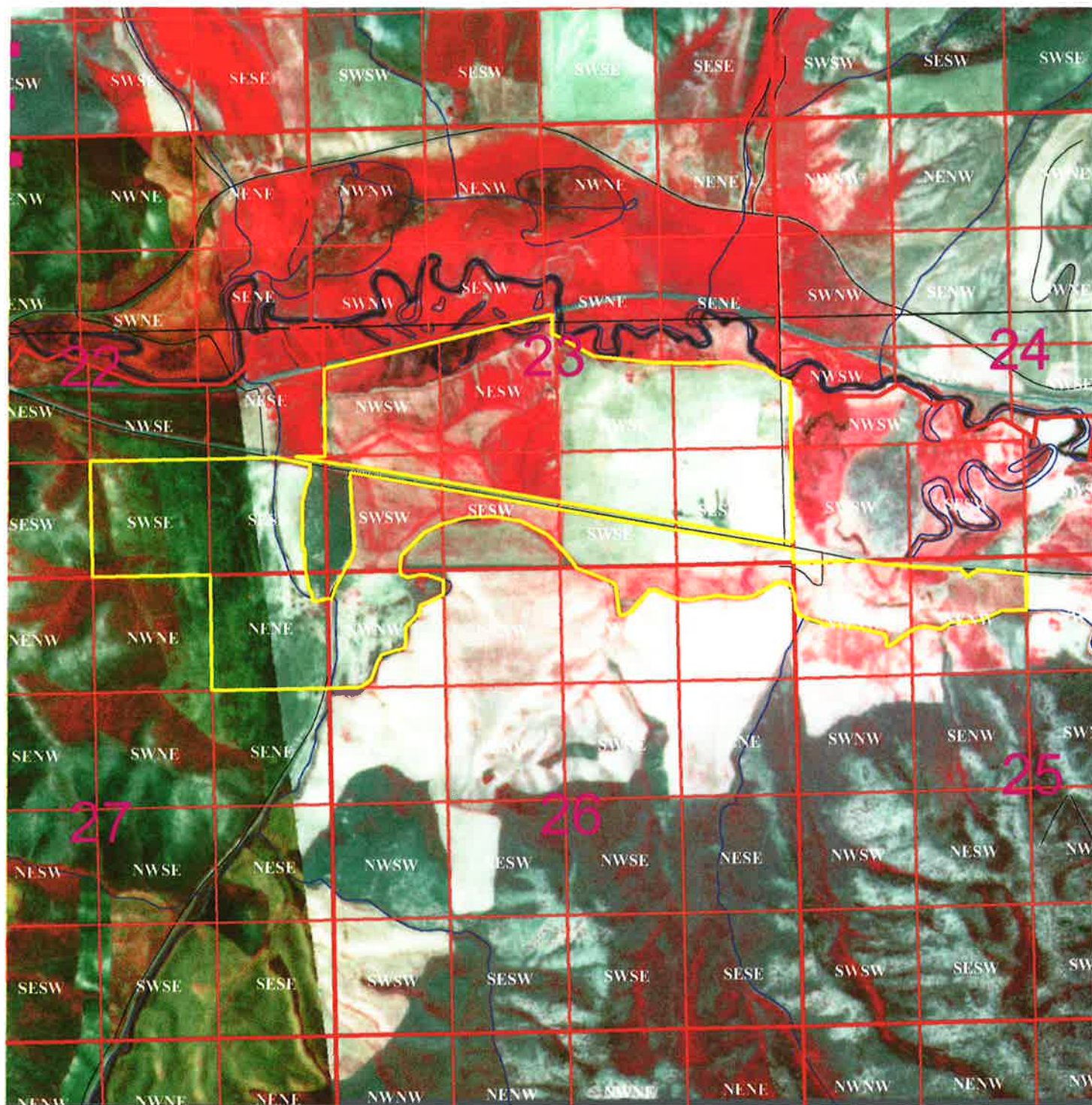
09/11/2000



Water Right Claim Number A29-11773

09/11/2000

Townships , 9S38E, 9S37E



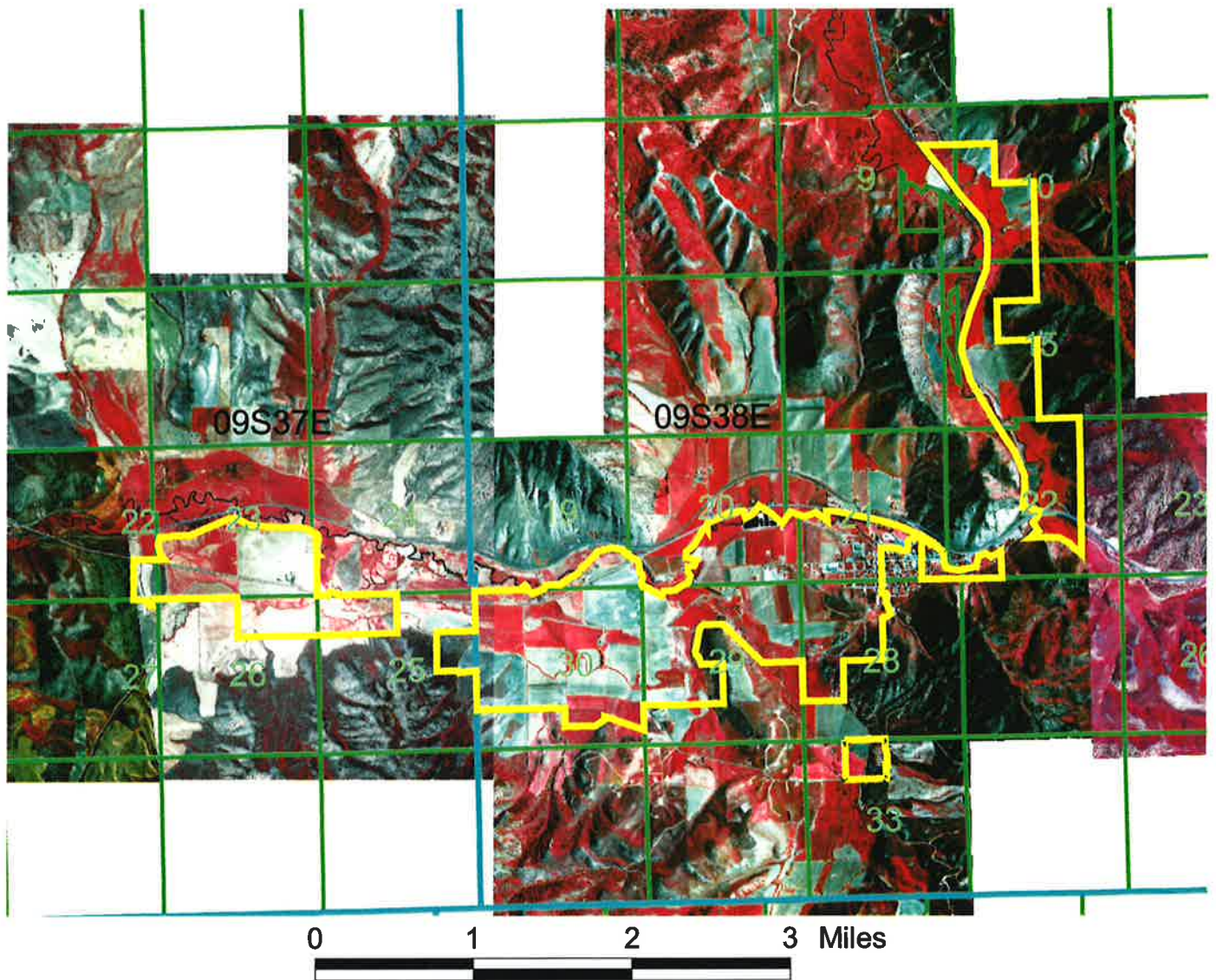
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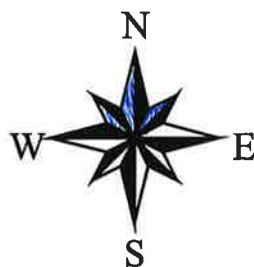


Department of Water Resources

Dempsey Irrigation Co & Topaz Irrigation Co



- Company boundary.shp
- Townships
- Sections



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

02/11/2004

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

RIGHT NUMBER: 29-11773
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: 08/07/1932

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	09/16 10/31	32.000 CFS

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 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 AND 29-11773

Place of use is within the area served by the Dempsey Irrigating Company.

Amended Director's Report.

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

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 - Beneficial Use

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.

Amended Director's Report.

RECEIVED

DEC 19 2001

Department of Water Resources
Eastern Region

AFFIDAVIT

I EARL H SMITH, this date 31 MARCH 1995 do solemnly state that I have used the water from Dempsey Irrigation on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15 to late October, and on some years until November 15.

The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

In witness herewith I EARL H SMITH affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Dempsey Irrigation. I also affirm that I have been using this water since 1977.

Earl H. Smith 3/31/95
Signature Date

Witness Date

Subscribed and sworn before me this 31st day of March 1995.

Katherine A. Smith
Notary Public
Residing at Lava Hot Springs, Idaho
My commission expires 04-16-2000

AFFIDAVIT

I WALLACE WHITEHEAD, this date 31 MARCH, 1995, do solemnly state that I have used the water from Dempsey Irrigation on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15 to late October, and on some years until November 15.

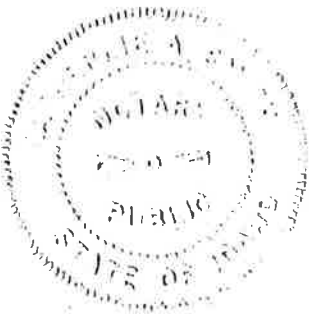
The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

In witness herewith I WALLACE WHITEHEAD affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Dempsey Irrigation. I also affirm that I have been using this water since 1949.

Wallace Whitehead 3-31-95
Signature Date

Katherine Powell 3-31-95
Witness Date

Subscribed and sworn before me this 31st day of March 1995.



Katherine A. Smith
Notary Public
Residing at Lava Hot Springs, Idaho
My commission expires 04-16-2000

AFFIDAVIT

I CALVIN ROWSELL, this date 31 MARCH, 1995, do solemnly state that I have used the water from Dempsey Irrigation on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15 to late October, and on some years until November 15.

The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

In witness herewith I CALVIN ROWSELL affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Dempsey Irrigation. I also affirm that I have been using this water since 1919.

Calvin Rowsell
Signature

3-31-95
Date

Witness

Date

Subscribed and sworn before me this 31st day of March 1995.

Janet B. Csernits
Notary Public

Residing at Lava Hot Springs, Idaho

My commission expires May 14, 1999

AFFIDAVIT

I ELLIS CHRISTIANSEN, this date 31 MARCH, 1995, do solemnly state that I have used the water from Dempsey Irrigation on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15 to late October, and on some years until November 15.

The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

In witness herewith I ELLIS CHRISTIANSEN affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Dempsey Irrigation. I also affirm that I have been using this water since 1937.

Ellis Christiansen 3-31-95
Signature Date

Katherine A. Howell 3-31-95
Witness Date

Subscribed and sworn before me this 31 day of March 1995.



Katherine A. Smith
Notary Public
Residing at Lava Hot Springs, Idaho
My commission expires 04-16-2000

AFFIDAVIT

I DEAN DAY, this date 31 MARCH, 1995 do solemnly state that I have used the water from Dempsey Irrigation on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15 to late October, and on some years until November 15.

The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

In witness herewith I DEAN DAY affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Dempsey Irrigation. I also affirm that I have been using this water since 1960.

Dean Day 3-31-95
Signature Date

Katherine A. Smith 3-31-95
Witness Date

Subscribed and sworn before me this 31 day of March 1995.

Katherine A. Smith
Notary Public
Residing at Lava Hot Springs, Idaho
My commission expires 04-16-2000

I Dean Day do solemnly testify that I know that the farm land immediately west of Lava Hot Springs Idaho was bieng irrigated in 1930.

That water had to come from the Fish Creek Irrigation Company as that company was organized and delivering water to said property. The Dempsey Irrigation Company was also.

Signed---

Dean Day

Date -

12/14/01

AFFIDAVIT

I WALLACE WHITEHEAD, this date MAR 31, 95, do solemnly state that I have used the water from Fish Creek Irrigation Company on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15 to late October, and on some years until November 15.

The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

In witness herewith I WALLACE WHITEHEAD affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Fish Creek Irrigation Company. I also affirm that I have been using this water since 1949.

Wallace Whitehead MAR 31, 1995
Signature Date

Katherine Howell 3-31-95
Witness Date

Subscribed and sworn before me this 31st day of March 1995.



Katherine A. Smith
Notary Public
Residing at Lava Hot Springs, Idaho
My commission expires 04-16-2000

AFFIDAVIT

I EARL H SMITH, this date 31 MARCH, 1995, do solemnly state that I have used the water from Fish Creek Irrigation Company on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15, to late October, and on some years until November 15.

The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

In witness herewith I EARL H SMITH affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Fish Creek Irrigation Company. I also affirm that I have been using this water since 1977.

Earl H. Smith 3/31/95
Signature Date

Witness Date

Subscribed and sworn before me this 31st day of MARCH 1995.

Lakewood Smith
Notary Public
Residing at Lava Hot Springs, Idaho
My commission expires 8-16-2000

State of Idaho,
County of Bannock.

SS:

We, the Undersigned, the entire Board of Directors of the _____, a corporation existing under the laws of the State of Idaho, do hereby certify that the foregoing by-laws consisting of nineteen articles numbered from one (1) to nineteen (XIX), inclusive, have been duly adopted as the by-laws of said corporation, by the assent in writing, of two-thirds of the issued capital stock of said corporation, at the date of such adoption.

IN WITNESS WHEREOF the said Board of Directors have hereunto set their hands, and the Secretary of said corporation has hereunto set his hand and affixed the seal of said corporation, on this, the 15th day of June, 1924.

E. J. McGuinn
A. T. Pilechar
A. W. Hall

BOARD OF
DIRECTORS.

A. Theobald
Secretary.

John Hall,

Dated Oct 20 1914

Transferred from	Number Original Certificate	Number Shares	Number Shares Transferred
Received as Part # 6 June 1, 1971			

Received this Certificate

Address _____

Cancelled

INCORPORATED UNDER THE LAWS OF
IDAHO

NUMBER
2

SHARES
37½

The Fish Creek Irrigation Company

Capital Stock	\$3,000.00	300 Shares
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This Certificate that John Hall is the owner of
Thirty seven and one half Shares of the Capital Stock of
The Fish Creek Irrigation Company
transferable only on the Books of the Company on surrender
of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed at Dempsey, Idaho.

affixed at Dempsey, Idaho: this 20th day of October A.D. 1914
Albert W. Hall, J. F. Dunn
 President

SHARES

\$10.00

▶ EACH

AFFIDAVIT

I, Lynn Bowman this date 12. 12. 01, do solemnly state that I have used the water from Topaz Irrigation on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15 to late October, and on some years until November 15.

The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

In witness herewith I, Lynn Bowman affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Topaz Irrigation. I also affirm that I have been using this water since 1944.

Lynn Bowman
Signature

12. 12. 01
Date

Witness

Date

Subscribed and sworn before me this 12 day of December 2001.

Marilyn Laiford

Notary Public Pocatello
Residing at Lava Hot Springs, Idaho
My commission expires 2/27/04

AFFIDAVIT

I, Dean Day, this date 12-10-01, do solemnly state that I have used the water from Topaz Irrigation on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15 to late October, and on some years until November 15.

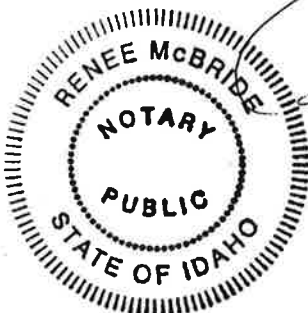
The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

In witness herewith I, _____, affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Topaz Irrigation. I also affirm that I have been using this water since 1960.

Dean Day
Signature Date

Dana Prather
Witness Date 12-13-01

Subscribed and sworn before me this 13 day of December 2001.



Renee McBride
Notary Public
Residing at Lava Hot Springs, Idaho
My commission expires May 31, 2006

AFFIDAVIT

I, GENE FAGNANT, this date 12-10-01, do solemnly state that I have used the water from Topaz Irrigation on my land situated in the Lava Hot Springs area after the normal water season for beneficial use on my land. I further state that the use of the water was from September 15 to late October, and on some years until November 15.

The purpose and use of these waters has been for fall irrigation of hay and pastures and other crops, due to the fact that on many years we are without water for half or more of the regular irrigation season. With the beneficial use of this water we can return our water table on our land back to a crop producing mode.

I further testify that I witnessed my father, Arthur J. Fagnant, fall irrigating continuously from the year 1936 until his death in 1964.

In witness herewith I, Gene Fagnant, affirm my statement for public record the aforementioned facts pertaining to the beneficial use of water from Topaz Irrigation. I also affirm that I have been using this water since 1945.

Gene Fagnant
Signature

12-10-01
Date

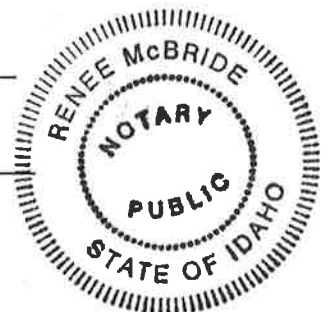
Dona Pratha
Witness

12-10-01
Date

Subscribed and sworn before me this 10 day of December 2001.
2001.

Renee McBride

Notary Public
Residing at Lava Hot Springs, Idaho
My commission expires May 31, 2006



Minutes of Stockholders Meeting of Japay Co. held at home of Scott Snow at Wemyss Lake this 3 day of July 1905. Present to call of President in which the following business was transacted. The majority of the stock was represented.

Moved by A. O. Hanson and seconded by Dr. J. High that we bond for \$2000 for Howard Moore to complete canal from junction of Wemyss canal to Wemyss Creek. The vote was in favor bond yes 4.13 bond no 00.

It was moved by J. Hanson and seconded by Dr. much that we accept bylaws as they now read stock represented was as follows

80 yds	W. A. Hanson by J. Hanson
40	Hanson
40	Hanson
45	Hanson
40	Dr. J. High
60	Dr. J. High
60	Dr. J. High
60	Dr. J. High
40	Dr. J. High
20	Dr. J. High
3	Dr. J. High

Minutes of Wemyss Dredging Co. meeting of Wemyss Dredging Co. was held at residence of Dr. J. High in Wemyss Lake this 6 day of July 1905. Present to call of President the following business transacted the Wemyss Dredging Co. that the cost of the Wemyss Lake was \$148,481 forty eight dollars per share also find it advisable to increase the stock to 14 four times its original amount of shares and place them at \$10 ten dollar par share. It was also decided to have an assessment of 50 cts per share on all capital stock to be paid Feb 15 1906 and some more work on Wemyss Lake that we pay \$2.50 per day for man and team and \$2.50 for horse for length men it was decided to him

The money as payment of work at \$2.50
per day it was decided to pay 50¢ per day for
small repairs.

Committee of stockholders meeting
Special meeting of the stock holders of Tokyo
Co was held at farm school house thru 2 days of Dec 1905
Decision to call by President of Tokyo
Organization Co meeting called and a guarantee till
until Dec 19, 1905

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: 29-11773

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~~ 776-5289

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:

X 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


02/18/2003

NOTICE OF ERROR
REPLY

Allen

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: 29-11773

DEMPSEY IRRIGATING CO
C/O EARL SMITH
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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

Please print your name:

EARL H. SMITH

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

RECEIVED

11/20/03

Department of Water Resources
Idaho Falls, ID



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

HEADGATE IN STREAM TO DELIVERY CANALS. SHARE COMMON HEADING. Concrete head structure, high water mark is at 3'. Structure contains galvanized steel channel about 3' wide at the center of the 12' long structure. The galvanized steel channel is a weir 12' long with 5' openings on both ends tapering in to 3' towards a 4 ft. section in the center i.e., 3' wide by 4' long in the center of the weir. NOTE: For best view see photo "POD ID 209673_03". Water moving at approximately 1 ft./second across weir, depth of water above nappe is 1.25 feet. Placed

Assumptions

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin)
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☒ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	Concrete lined	.016
	Smooth earth	.025
	Earth	.033
	Rough bed, weeds on sides	.04
	Smooth natural stream	.033
	Rough natural stream	.1

Pumped System

☐

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

☐

New Contact Comments

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IDAHO DEPARTMENT OF WATER RESOURCES

RIGHT NUMBER: 29-11773

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	09/16 10/31	32.000 CFS

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	

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

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
T09S R38E S22 Lot 1	NWNE	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	NWNE	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	NWNE	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	NWNE	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	NWNE	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: Beneficial Use

02/05/2003

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

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.

MAY 18 2001

Log for claim A29-11773

Spatial Dynamics PJM

9/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	22	SWSE	16	40	Indiscernible
09s37e	22	SESE	32	33	
09s37e	23	NESW	33	43	
09s37e	23	NWSW	21	34	Indiscernible
09s37e	23	SWSW	25	26	
09s37e	23	SESW	24	22	
09s37e	23	NESE	11	28	Indiscernible
09s37e	23	NWSE	30	33	
09s37e	23	SWSE	40	37	
09s37e	23	SESE	20	37	Indiscernible
09s37e	25	NENE	5	4	
09s37e	25	SENE	15	11	
09s37e	25	NENW	12	17	
09s37e	25	NWNW	14	22	Indiscernible
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	Indiscernible
09s38e	10	NWNW	13	40	Indiscernible
09s38e	10	SWNW	23	16	Indiscernible
09s38e	10	NESW	8	9.4	
09s38e	10	NWSW	30	30	
09s38e	10	SWSW	5	17	Indiscernible
09s38e	10	SESW	22	27	
09s38e	15	NENW	25	2.1	Indiscernible
09s38e	15	NWNW	12	20	Indiscernible
09s38e	15	SWNW	13	21	Indiscernible
09s38e	15	NESW	8	5.5	
09s38e	15	NWSW	32	34	
09s38e	15	SWSW	5	10	
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	Indiscernible
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	

10% Convey loss

Log for claim A29-11773

Spatial Dynamics PJM

9/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	22	SENW	1	4.3	Indiscernible
09s38e	22	SWSW	4	19	Indiscernible
09s38e	22	NESE	1	38	Indiscernible
09s38e	22	NWSE	2	28	Indiscernible
09s38e	22	SESE	12	38	
09s38e	23	SWSW	1	15	Indiscernible
09s38e	26	NWNW	2	39	Indiscernible
09s38e	27	NENE	2	40	Indiscernible
09s38e	28	NENW	6	20	Indiscernible
09s38e	28	NWNW	24	30	Indiscernible
09s38e	28	SWNW	27	32	
09s38e	28	SENW	10	18	
09s38e	28	NWSW	3	28	Indiscernible
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	Indiscernible
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. A29-11773

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 231

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	09-16 11-15	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: BENEFICIAL USE

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	24	25	24	11	30	40	20	204.0
✓09S 37E 25 :	05			15	42	14											46.0
✓09S 37E 26 :	11	00				22											42.0
✓09S 37E 27 :	25																25.0
✓09S 38E 10 :					04	43	23		08	01-30	02-05	22					105.0
✓09S 38E 15 :					25	04-12	13		08	32	02-05	03-11					106.0
✓09S 38E 19 :														40	45	30	85.0
✓09S 38E 20 :									10			23	20	21	38	29	141.0
✓09S 38E 21 :									05	20	32					45	72.0
✓09S 38E 22 :	04	10	03-25		02	17		04			10-04		01	04	02	42	72.0
✓09S 38E 23 :											04						1.0
✓09S 38E 26 :						02											2.0
✓09S 38E 27 :	02																2.0
✓09S 38E 28 :					06	24	27	40			03						70.0
✓09S 38E 29 :	40	35	45	40	23	30	40		40	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, 00036

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

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00032 A29-00035 A29-00036 A29-00037 A29-00046 A29-12078 A29-12079

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

A29-00036	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	A29-11774	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.
*** THIS RIGHT IS CLAIMED FOR USE OF WATER THAT HAS HISTORICALLY BEEN USED BY THE CLAIMANTS AFTER THE RECOGNIZED, DECREED IRRIGATION SEASON. CLAIMANTS HAVE NOT BEEN SUBJECT TO THE DECREED WATER RIGHTS SCHEDULE USED BY THE WATER MASTER DURING THE NORMAL IRRIGATION SEASON.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag:
Audit: 05/15/90 VERNER 09/15/94 JTHOMPSO 03/29/95 POST-STD

February 7, 1995

Mr. Dave Carlson
Department of Water Resources
900 N Skyline Dr.
Idaho Falls, Id 83402-1718

RECEIVED

FEB 08 1995

Department of Water Resources
Eastern District Office

Dear Sir:

Regarding your Evidence of Priority letter of January 3, 1995 for
Topaz Irrigation Company #A29-11773:

Enclosed please find copies of Decree by Hon. O.R. Baum in the
District Court of the Fifth Judicial District of the State of
Idaho affirming priority dates of Dempsey-Topaz Canal Company
water.

When I called the 800 number on your Evidence of Priority brochure
for information and advice, a lady from the Boise IDWR office
informed me that this constituted excellent evidence and suggested
I send copies to you.

I am 66 years old and can furnish a notarized affidavit testifying
to helping my father put this water to Beneficial use 55 years ago.
Some users can go perhaps 15 years earlier, if necessary, though
of course no one is still here who can personally verify the original
water even though there is no question that it has been beneficially
used from the beginning.

Please notify me as soon as possible if these papers constitute
adequate proof of priority or if something else is required.

Sincerely,



Gene Fagnant, Secretary/Treasurer

TOPAZ IRRIGATION COMPANY
P. O. Box 293
Lava Hot Springs, Id 83246

Encls.

MICROFILMED

NOV 14 1990

Kathryn Fagnant

FEB 08 1995

Resources
Eastern District Office

In the District Court of the Fifth Judicial District
of the State of Idaho

Union Grain & Elevator Co.,
A Corporation,

Plaintiff,

VS.

No. 2203

McCammon Ditch Co., et al.,

Defendants

FINAL DECREE

Before Hon O. R. BAUM, District Judge

Filed July 1st, 1921

R. C. EARLEY,
Clerk

By LILLIAN SPONGBERG,
Deputy

REPROFILMED

NOV 14 1996

RECEIVED

FEB 08 1995

Department of Water Resources
Eastern District Office

NAME OF CLAIMANT and
DATE OF PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

- land in the West half of the Southeast quarter, Section 4, Township 9 South, Range 38 East.
25. *John, George:*
1889—May 1 .70 c. f. s. Said water to be diverted through the said Dempsey and Topaz Canals, last above described, for the irrigation of that portion of land of Lot 2, and the Northeast quarter of the Northeast quarter, Section 9, Township 9 South, Range 38 East, lying East of the O. S. L. R. R. right of way.
26. *Warner, Cordelia:*
1890—April 1 .10 c. f. s. Said water to be diverted through the said Dempsey and Topaz Canals, last above described, for the irrigation of 5.3 acres of land lying in Lot 4, the Southwest quarter of the Northeast quarter, Section 4, Township 9 South, Range 38 East, bounded on the East by the Dempsey Canal, and on the West by the right of way of the O. S. L. R. R.
27. *Dempsey Irrigating Company and Topaz Irrigation Company:*
1898—April 18 32 c. f. s.
1907—Jan. 14 7.5 c. f. s. Said water to be diverted through the said Dempsey and Topaz Canals, last above described for the irrigation of lands under the Dempsey and Topaz Canals, described as follows: 65.2 acres in Lots 1 and 2, the East half of the Southwest quarter, Section 10, Township 9 South, Range 38 East; 103.24 acres in Lots 1, 2, 3, and 4, Section 22, Lot 3, Section 15, and the Southwest quarter of the Southeast quarter, Section 32, Township 9 South, Range 38 East; 11.1 acres in the Northwest quarter of the Northeast quarter, Section 28, above Township and Range; 31.45 acres in Lot 2, Section 21; 7 acres in the Northeast quarter of the Northwest quarter, Section 28; 63 acres in Lots 2, 3 and 6, Section 9, and the Northwest quarter of the Southeast quarter, Section 9; 11.64 acres in the West half of the Northwest quarter, Section 10; 5.66 acres in the Southeast quarter of the Northwest quarter, Section 28; 65 acres in the South half of the Northeast quarter, Section 29, and the Southwest quarter of the Northwest quarter, Section 28; 17.1 acres in the North half of the Northeast

RECEIVED

FEB 08 1995

Department of Water Resources

Eastern District Office

NAME OF CLAIMANT and
DATE OF PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

quarter, Section 29; 29 acres in the Northwest quarter of the Northwest quarter, Section 28; 14.7 acres in Lots 1 and 2, the Southwest quarter of the Northwest quarter, and the North half of the Southwest quarter, Section 15; 20.76 acres in Lot 1, Section 16; 4.76 acres in the Northeast quarter of the Northwest quarter, Section 15; 66.45 acres in Lots 1 and 3, Section 21; 8 acres in Lot 10, Section 22; 3.6 acres in the Northeast quarter of the Southeast quarter, Section 22; 125 acres in the South half of the Southwest quarter, Section 28, the Northwest quarter of the Southwest quarter, Section 28, the North half of the Southeast quarter, Section 29; 15.3 acres in the Southeast quarter of the Southeast quarter, Section 22; 5 acres in the Northwest quarter of the Southeast quarter, Section 22; 158.2 acres in Lot 4, the Southwest quarter of the Southwest quarter, Section 21 and Lots 1 and 2, the South half of the Southeast quarter, Section 20, Township 9 South, Range 38 East.

Topaz Irrigation Company Canal, a continuation of the Dempsey Canal. This canal also diverts water of Dempsey Creek in the Northwest quarter of the Northwest quarter, Section 33, Township 9 South, Range 38 East. From the Northwest quarter of Section 33, the point of diversion from Dempsey Creek bears South 44 degrees East, 1390 feet.

1883—April 1 13.44 c. f. s.
(Source Dempsey Creek)

Said water to be diverted through the said Topaz Irrigation Company Canal, last above described, for the irrigation of 90 acres in Lots 1 and 2, Section 19, Township 9 South, Range 38 East, the Northeast quarter of the Northeast quarter, Section 30, Township 9 South, Range 38 East, the East half of the Northwest quarter of the Northeast quarter, Section 30, Town-

RECEIVED

FEB 08 1995

Department of Water Resources
Eastern District Office

NAME OF CLAIMANT and DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
tion 4, Township 10 South, Range 38 E. B. M.		
132. J. M. Jensen 1893—April 15	.64 c. f. s.	Said water to be diverted at a point which bears South 53 degrees East, 400 feet from the South quarter corner, Section 3, Township 10 South, Range 38 E. B. M.; also at a point which bears South 48 degrees East, 190 feet from the South quarter corner, Section 3, Township 10 South, Range 38 E. B. M.; also at a point which bears North 53 degrees West, 1200 feet from the South quarter corner of Section 3, Township 10 South, Range 38 E. B. M., for the irrigation of the Southeast quarter of the Northwest quarter, and the Southwest quarter of Section 3, Township 10 South, Range 38 E. B. M.
133. Topaz Irrigation Co. 1883—April 1	13.44 c. f. s.	Said water to be diverted at a point South 44 degrees, East, 1390 feet from the Northwest corner of the Northwest quarter, Section 33, Township 9 South, Range 38 E. B. M., for the irrigation of the following described land: Township 9 South, Range 38 E. B. M. Section 29—Lots 1 and 2, the South half of the Northwest quarter and the North half of the Southwest quarter. Section 30—The Northeast quarter, the Northwest quarter, the North half of the Southeast quarter. Section 19—The following lots: 1, 2, 3, and 4. Township 9 South, Range 37 E. B. M. Section 24—Lots 5, 6 and 7, the South half of the Southwest quarter. Section 25—The North half of the Northeast quarter, the North half of the Northwest quarter. Section 23—Lots 5, 6 and 7, and 8, the South half of the Southeast quarter, the South half of the Southwest quarter. Section 26—The North half of the Northeast quarter, the Northwest quarter of the Northwest quarter.

RECORDED

NOV 14 1990

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FEB 08 1995

NAME OF CLAIMANT and DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE	Department of Water Resources Eastern District Office
		Section 27—The Northeast quarter of the Northeast quarter. Section 22—The Southeast quarter of the Southeast quarter, Lots 5, 6, 7, and 8.	
134. <i>McGwinn, C. J.</i> 1896—April 15	.8 c. f. s.	Said water to be diverted at a point South 35 degrees 40 minutes West 1044 feet from the East quarter corner of Section 29, Township 9 South, Range 38 E. B. M., for the irrigation of Lot 3, of Section 20; Lots 1 and 2 of Section 29, Township 9 South, Range 38 E. B. M.	
135. <i>Warner, Mrs. Frank</i> 1881—Aug. 1	.58 c. f. s.	Said water to be diverted at a point South 88 degrees East, 1430 feet from the West quarter corner of Section 33, Township 9 South, Range 38 E. B. M.; for the irri- gation of the Northwest quarter of the Northwest quarter, Section 28, Township 9 South, Range 38 E. B. M.	
136. <i>Fagnant, F. D.</i> 1881—Aug. 1	.2 c. f. s.	Said water to be diverted at a point North 53 degrees East, 1550 feet from the South- west corner Section 4, Township 10 South, Range 38 E. B. M., the lateral from which said point divides into the Campbell-Fag- nant lateral into Campbell lateral in the Northwest quarter of the Northeast quar- ter, Section 32, Township 9 South, Range 38 E. B. M.	
1894—March 1	1.2 c. f. s.	Said water to be diverted through a ditch having intake 35 degrees 40 minutes West, 1044 feet from East quarter corner Sec- tion 29, Township 9 South, Range 38 E. B. M. For the irrigation of the Southwest quar- ter, and the South half of the Northwest quarter, Section 29; the East half of the Northwest quarter, and the Northwest quarter of the Northwest quarter, Section 32, Township 9 South, Range 38 E. B. M.	
137. <i>Campbell, Adam</i> 1894—March 1	.8 c. f. s.	Said water to be diverted at a point North 53 degrees East, 1550 feet from the South- west corner of Section 4, Township 10	

NOV 14 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

5-14-90
E 014521
A 2911 773

April 27, 1990

Mr. Earl Smith
P.O. Box 235
Lava Hot Springs, Idaho 83246

RE: Dempsey, Topaz and Fish Creek Irrigation Co.'s Claims

Dear Mr. Smith:

Pursuant to our phone conversation, please find enclosed two prepared notices for your company's post irrigation season water diversions. Please review the notices and when satisfied, sign them in the presence of a Notary Public and return them to our office. The filing fee is \$50.00 per claim.

Your prompt attention is appreciated. As always, feel free to contact our office if you would like to discuss this matter further.

Sincerely,

Eric Verner,
Sr. Water Agent

Enclosure

MICROFILMED

NOV 16 1992

MAY 18 2001

LATE FEE IF RECEIVED
BY 5/25/90 EVIN 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

RECEIVED

MAY 14 1990

Ident. Number: A29-11773
Date Received: 5-14-90
Receipt No: EO 14521
Received By: 88Department of Water Resources
Eastern District OfficeNOTICE 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

A291773



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	09/16	11/15	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.

A29-11773

Page 1

Date: 04/27/90

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NOV 16 1992

CLAIMS EXTENDED SEASON USE
(PAST 9/15 AS DETERMINED).

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				
		15	NE	NW		IRR	25.0
			NW	NW	1	IRR	12.0
			SW	NW		IRR	13.0
			NE	SW		IRR	8.0
			NW	SW		IRR	32.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	15	SW	SW	2	IRR	5.0
			SE	SW	3	IRR	11.0
			Section Acres				
		19	NW	SE		IRR	40.0
			SW	SE		IRR	15.0
			SE	SE		IRR	30.0
		Section Acres					85.0
		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	
27	NE	NE		IRR	2.0		

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					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

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, 00036

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% OF THIS RIGHT IS CURRENTLY USED BY THE TOPAZ IRRIGATION CO.
*** THIS RIGHT IS CLAIMED FOR USE OF WATER THAT HAS HISTORICALLY BEEN USED BY THE CLAIMANTS AFTER THE RECOGNIZED, DECREED IRRIGATION SEASON. CLAIMANTS HAVE NOT BEEN SUBJECT TO THE DECREED WATER RIGHTS SCHEDULE USED BY THE WATER MASTER DURING THE NORMAL IRRIGATION SEASON.

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 Organizations:

I do solemnly swear or affirm that I am Secretary of

Dempsey Irrigating Co., that I have signed the foregoing
Organization document in the space below as Secretary of

Dempsey Irrigating Co. and that the statements contained in the
Organization foregoing document are true and correct.

Carl H. Smith
Signature of Authorized Agent

Secretary - Dempsey Irrigating Co.
Title and Organization

5/10/90
Date

State of Idaho)
County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of MAY 19 90

Robert S. [Signature]
Notary Public

Seal

Residing at LAUA HOT SPRINGS, IDAHO
My Commission Expires LIFETIME.