

11/05/2002

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

RIGHT NUMBER: 29-13310

NAME AND ADDRESS: FAGNANT & OLSON RANCH LLC
PO BOX 293
LAVA HOT SPRINGS ID 83246

SOURCE: DEMPSEY CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.200 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: 08/07/1932

POINT OF DIVERSION:

T10S R38E S4 NESWSW 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	1.200 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.

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

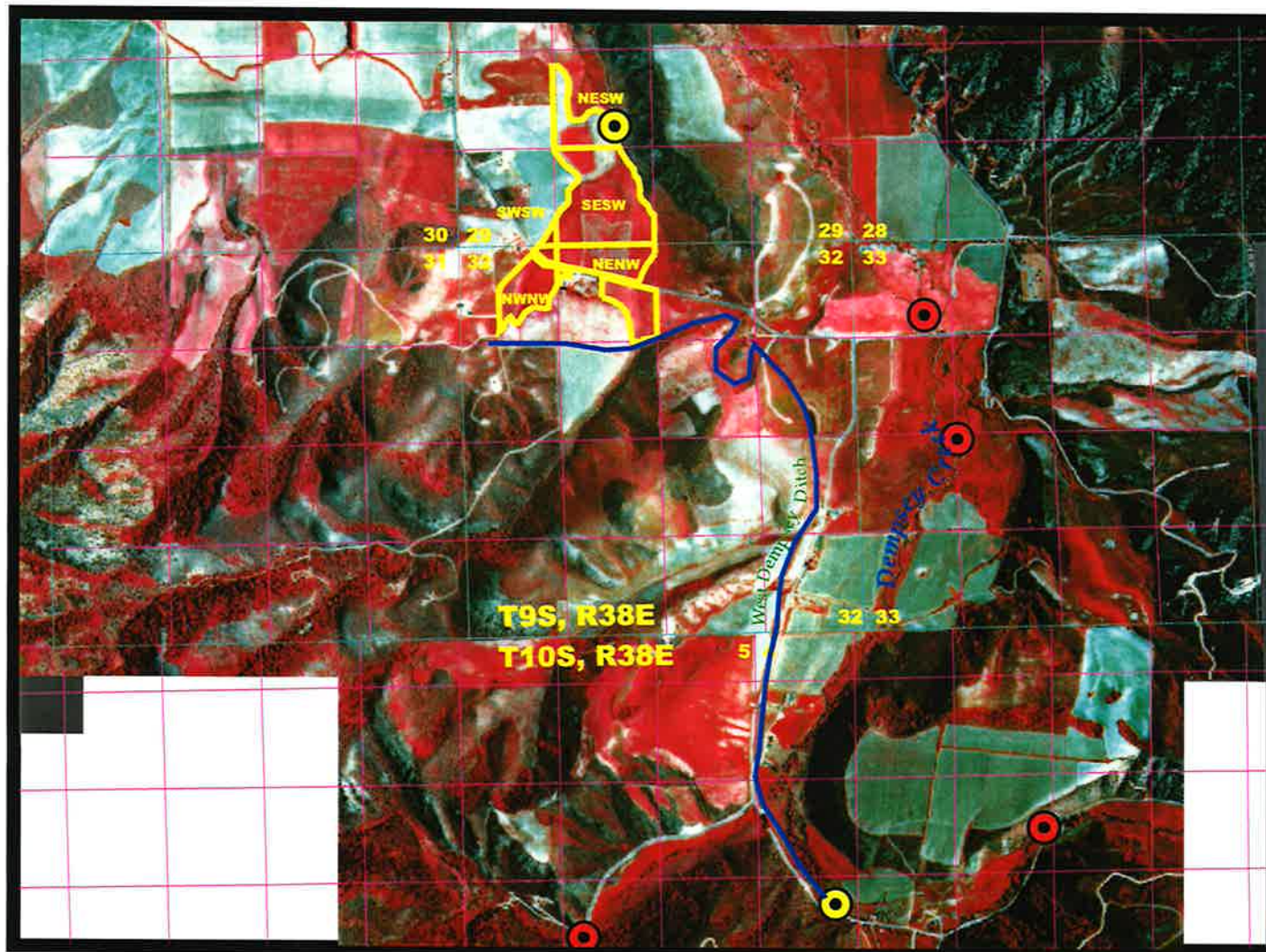
WATER IS DELIVERED THROUGH WEST DEMPSEY DITCH.



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

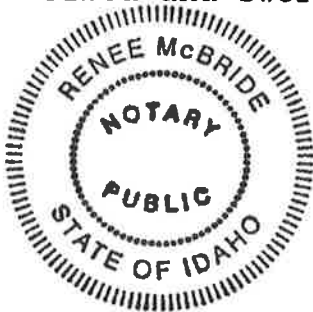
1500 0 1500 3000 4500 6000 7500 9000 10500 12000 Feet

AFFIDAVIT

This is to certify that prior to 1932 I, Dean Day, personally witnessed irrigation water being put to beneficial use before April 15th and after September 15th on land originally owned by F. D. Fagnant. This water was diverted from Dempsey Creek and used on land later farmed by Arthur J. Fagnant and still later by Gene Fagnant. *Right # 136*

Signed: *Dean Day*

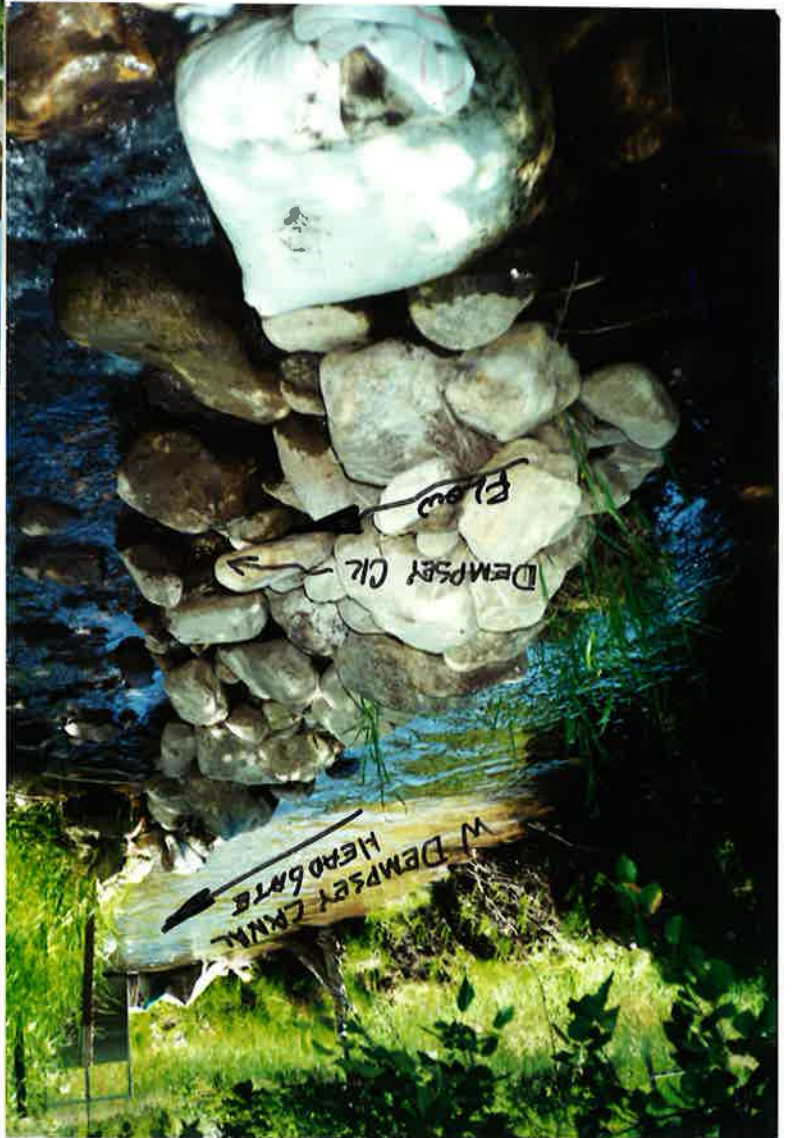
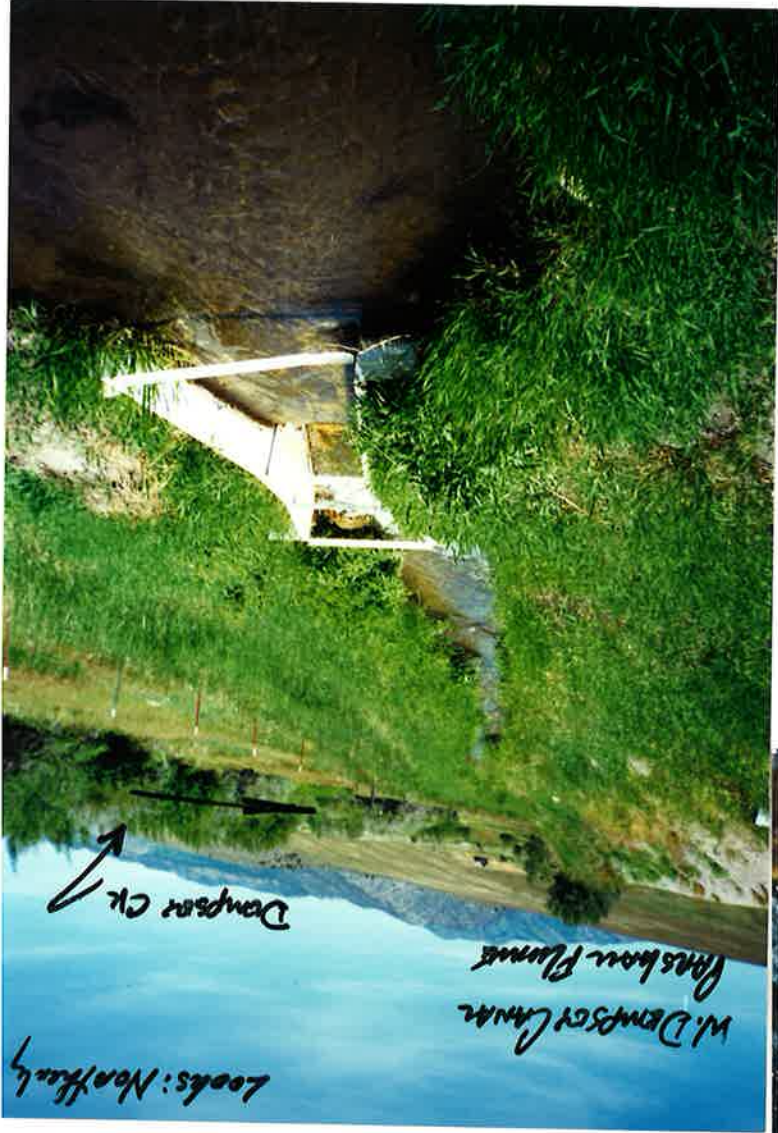
Subscribed and sworn before me this 22 day of March, 2002.



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

RECEIVED
MAR 25 2002
Department of Water Resources
Eastern Region

See 29-183, 29-184 files
 For the notes



POD off Dempsey Cr.
 29-183
 29-184
 29-13310
 AND
 OTHER INDIVIDUAL'S Pts

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13310
Date Received: 3/5/2002
Receipt No:
Received By: *EP 27518*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

3/11/02 ABR
RECEIVED

MAR 11 2002

Department of Water Resources
Eastern Region

1. Name of Claimant(s)

FRANCIS G FAGNANT Phone: (208)776-5289

PO BOX ~~644~~ *293*
LAVA HOT SPRINGS ID USA 83246

RUTH ANN OLSON Phone: (208)776-~~5289~~ *5290*

PO BOX 644
LAVA HOT SPRINGS ID USA 83246

DBH Fagnant & OLSON Ranch LLC

2. Date of Priority: 08/07/1932

3. Source: DEMPSEY CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	38E	4	NE SW SW	BANNOCK	

5. Description of diverting works:

DEMPSEY CK DIVERSION FOR WEST DEMPSEY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	<i>0.2</i>	

12

7. Total Quantity Appropriated is:

~~0.2~~ C.F.S.

1.2 F.G. ~~200~~ 3-8-02

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
09S	38E	29	NE	SW	IRRIGATION	16	
			SE	SW	IRRIGATION	28	
			Section Acres				44
09S	38E	32	NE	NW	IRRIGATION	20	
			NW	NW	IRRIGATION	12	
			Section Acres				32
			Total Acres				76

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

EXTENDED SOU CLAIM.

15. Basis of Claim:

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

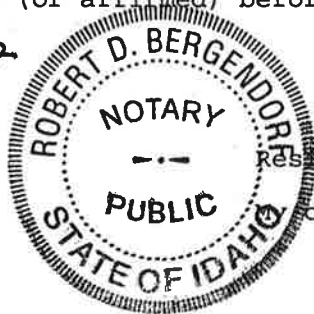
For Individuals:

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

Signature of Claimant(s): Francis H. Fagnant Date: 3-8-02
Ruth Ann Olson Date: 3/8/02

State of Idaho)
County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 8th
of MARCH 2002



Robert D. Bergendorf
Notary Public

Residing at LAUA HOT SPRINGS.
Commission Expires FEB 28, 2005