

03/03/2006

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

RIGHT NUMBER: 29-13698

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

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 6.000 CFS

PRIORITY DATE: 08/07/1932

POINT OF
DIVERSION: T09S R38E S33 SENWNW 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	6.000 CFS

PLACE OF USE:

672 ACRES TOTAL

THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON
FEDERAL PUBLIC LAND.

Place of use is within the area served by the Topaz Irrigation Company.

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 RIGHT NO. 29-180 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 672 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 861.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-36, 29-37, 29-180, 29-11773 AND 29-13698.

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.

ADDITIONAL WATER FROM WATER RIGHTS 29-36, 29-37, AND 29-11773 IS
DELIVERED THROUGH DEMPSEY-TOPAZ CANAL SYSTEM UNTIL INJECTED
INTO DEMPSEY CREEK AND REDIVERTED.

T09S R37E

Boundary of Service Area for Topaz Irrigation Co

Claim No.: 29-13698

- Boundary
- Township/Range
- Section

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



1 Miles

23

24

19

20

26

25

30

29

Point of Diversion

T09S R38E

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

RECEIVED
OCT 15 2004
DEPARTMENT OF
WATER RESOURCES
CIVIL CASE NUMBER: 39576

Ident. Number 29-13698
Date Received: 10/5/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

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

2. Date of Priority: 08/07/1932

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	38E	33	NW NW	BANNOCK	

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

6. Water is used for the following purposes:

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

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Total Acres 927

RECEIVED

OCT 20 2004

Department of Water Resources
Eastern Region

11. Place of use in counties: BANNOCK

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

only one small
portion

SCANNED

13. Other Water Rights Used:

14. Remarks:

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

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

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

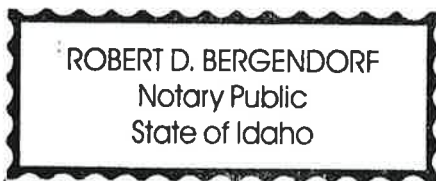
For Organizations:

I do solemnly swear or affirm that I am Secretary of Topaz Irrigation Co. that I have signed the foregoing document in the space below as Secretary & Registered Agent of Topaz Irrigation Co. and that the statements contained in the foregoing document are true and correct.

Gene Fagnant
Signature of Authorized Agent
Sec. Topaz Irrigation Co.
Title and Organization
10-7-04
Date

State of Idaho)
County of BANNOCK) SS.

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



Robert D. Bergendorf
Notary Public
Residing at LAWA HOT SPRINGS, IDAHO
My commission Expires FEB 28, 2005

SCANNED

OCT 13 2004

T09S R37E

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Township/Range
Section

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SCANNED
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