

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

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01/31/2005

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

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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.

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.

# TOPAZ IRRIGATION CO

Service Area Boundary

Water Right No.: 29-180 and 29-13698

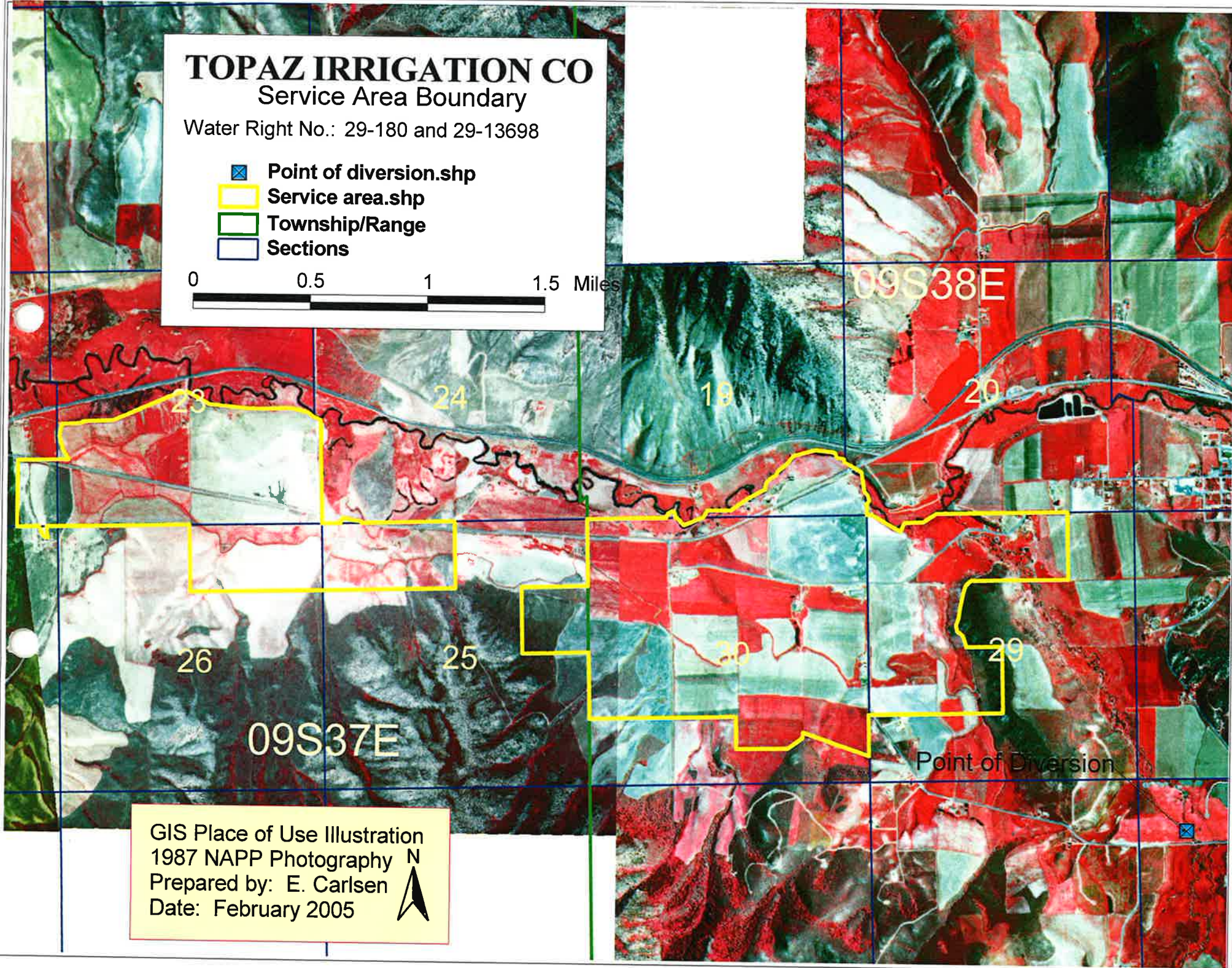
☒ Point of diversion.shp

☐ Service area.shp

☐ Township/Range

☐ Sections

0 0.5 1 1.5 Miles



GIS Place of Use Illustration  
1987 NAPP Photography  
Prepared by: E. Carlsen  
Date: February 2005



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

**NOTICE OF 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

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/31 | 6      |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|----------|-------|---------|----------------|------------|-------|
| 09S      | 37E   | 22      | SW SE          | IRRIGATION | 16    |
|          |       |         | SE SE          | IRRIGATION | 32    |

|     |     |    |    |    |               |     |
|-----|-----|----|----|----|---------------|-----|
|     |     |    |    |    | Section Acres | 48  |
| 09S | 37E | 23 | NE | SW | IRRIGATION    | 33  |
|     |     |    | NW | SW | IRRIGATION    | 21  |
|     |     |    | SW | SW | IRRIGATION    | 25  |
|     |     |    | SE | SW | IRRIGATION    | 24  |
|     |     |    | NE | SE | IRRIGATION    | 11  |
|     |     |    | NW | SE | IRRIGATION    | 30  |
|     |     |    | SW | SE | IRRIGATION    | 40  |
|     |     |    | SE | SE | IRRIGATION    | 20  |
|     |     |    |    |    | Section Acres | 204 |
| 09S | 37E | 25 | NE | NE | IRRIGATION    | 5   |
|     |     |    | SE | NE | IRRIGATION    | 15  |
|     |     |    | NE | NW | IRRIGATION    | 12  |
|     |     |    | NW | NW | IRRIGATION    | 14  |
|     |     |    |    |    | Section Acres | 46  |
| 09S | 37E | 26 | NE | NE | IRRIGATION    | 11  |
|     |     |    | NW | NE | IRRIGATION    | 9   |
|     |     |    | NW | NW | IRRIGATION    | 22  |
|     |     |    |    |    | Section Acres | 42  |
| 09S | 37E | 27 | NE | NE | IRRIGATION    | 25  |
|     |     |    |    |    | Section Acres | 25  |
| 09S | 38E | 19 | NW | SE | IRRIGATION    | 40  |
|     |     |    | SW | SE | IRRIGATION    | 15  |
|     |     |    | SE | SE | IRRIGATION    | 30  |
|     |     |    |    |    | Section Acres | 85  |
| 09S | 38E | 28 | NW | SW | IRRIGATION    | 3   |
|     |     |    |    |    | Section Acres | 3   |
| 09S | 38E | 29 | NW | NE | IRRIGATION    | 10  |
|     |     |    | NE | NW | IRRIGATION    | 23  |
|     |     |    | NW | NW | IRRIGATION    | 30  |
|     |     |    | SW | NW | IRRIGATION    | 40  |
|     |     |    | NE | SW | IRRIGATION    | 10  |
|     |     |    | NW | SW | IRRIGATION    | 16  |
|     |     |    |    |    | Section Acres | 129 |
| 09S | 38E | 30 | NE | NE | IRRIGATION    | 38  |
|     |     |    | NW | NE | IRRIGATION    | 26  |
|     |     |    | SW | NE | IRRIGATION    | 38  |
|     |     |    | SE | NE | IRRIGATION    | 30  |
|     |     |    | NE | NW | IRRIGATION    | 9   |
|     |     |    | NW | NW | IRRIGATION    | 34  |
|     |     |    | SW | NW | IRRIGATION    | 25  |
|     |     |    | SE | NW | IRRIGATION    | 40  |
|     |     |    | NE | SW | IRRIGATION    | 40  |
|     |     |    | NW | SW | IRRIGATION    | 6   |
|     |     |    | NE | SE | IRRIGATION    | 33  |
|     |     |    | SE | SE | IRRIGATION    | 26  |
|     |     |    |    |    | Section Acres | 345 |

Total Acres 927

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:

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

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13698 V1

WATER RIGHT NUMBER: 29-13698 V1

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

Priority Date: 08/07/1932

Basis: Beneficial Use

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| DEMPSEY CREEK | PORTNEUF RIVER   |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 04/01 to 10/31          | 6.000 CFS             |                      |
|                       | <u>Total Diversion:</u> | 6.000 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| DEMPSEY CREEK  | SE1/4NW1/4NW1/4 | Sec. 33, Twp 09S, Rge 38E, B.M. |
| BANNOCK County |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 37E | 22  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |
| 09S | 37E | 23  |    |    |    |    |    |    |    |    | X  | X  | X  | X  | X  | X  | X  | X  |        |
|     |     |     |    |    |    |    |    |    |    |    | L7 | L8 |    |    | L5 | L6 |    |    |        |
| 09S | 37E | 24  |    |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    | L7 |    |    |    |    |    |    |        |
| 09S | 37E | 25  | X  |    |    | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |        |
| 09S | 37E | 26  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 09S | 37E | 27  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 09S | 38E | 19  |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  |    | X  | X  |        |
|     |     |     |    |    |    |    |    |    |    |    |    | L3 | L6 | L4 |    |    | L2 | L1 |        |
| 09S | 38E | 20  |    |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    | L8 | L9 |    |    |    |    |    |        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-13698 V1

|            |  |   |   |   |   |     |     |     |     |   |   |   |     |   |   |   |  |
|------------|--|---|---|---|---|-----|-----|-----|-----|---|---|---|-----|---|---|---|--|
| 09S 38E 29 |  | X |   |   |   | X   | X   | X   | X   |   | X | X |     |   |   |   |  |
|            |  |   |   |   |   | L 1 | L 2 |     |     |   |   |   |     |   |   |   |  |
| 09S 38E 30 |  | X | X | X | X |     | X   | X   | X   | X |   | X | X   | X | X | X |  |
|            |  |   |   |   |   |     | L 1 | L 2 | L 3 |   |   |   | L 4 |   |   |   |  |

Total Acres: 672

Conditions of Approval:

1. 129 Place of use is within the area served by the Topaz Irrigation Company.
2. 135 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.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Explanatory TOPAZ IRRIGATION CO. OWNS 51% OF DEMPSEY-TOPAZ CANAL SYSTEM. FISH CREEK IRRIGATING CO. IS ALSO CARRIED IN THIS SAME CANAL SYSTEM FROM FISH CK POINT OF DIVERSION TO NESENW SEC.28 T9S R38E WHERE IT IS SPLIT OFF THE CANAL SYSTEM AND BECOMES ITS OWN ENTITY.
2. Place of Use THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON FEDERAL PUBLIC LAND.
3. Place of Use - Irrigation 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.
4. Place of Use - Irrigation 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.
5. Explanatory 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.

Comments: