

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 80731

This is to certify that: TOPAZ IRRIGATION CO  
6500 HWY 30 E  
LAVA HOT SPRINGS, ID 83246

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 29-180             | WR/DECREED          | 4/1/1883             | 13 440 cfs            | N/A                     | 672.0             | 672.0              | DEMPSEY CREEK |

Purpose of Transfer (Changes Proposed)

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 29-180                | NO           | YES        | NO         | YES            | NO                   | NO                   |

Summary Of Water Rights After the Approved Change

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 29-180                 | 29-180                           | 13.440 cfs           | N/A                    | 672.0             | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | 13.440 cfs           | N/A                    | 672.0             | 672.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 31<sup>st</sup> day of August, 2016.



Water Resources Program Manager

**WATER RIGHT NO. 29-180**

**As Modified by Transfer No. 80731**

In accordance with the approval of Transfer No. 80731, Water Right No. 29-180 is now described as follows:

**Right Holder:** TOPAZ IRRIGATION CO  
6500 HWY 30 E  
LAVA HOT SPRINGS, ID 83246

**Priority Date:** 4/1/1883

**Source:** DEMPSEY CREEK

**Tributary:** PORTNEUF RIVER

**BENEFICIAL USE**  
IRRIGATION

| <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-------------|-----------|-----------------------|
| 4/15        | to 9/15   | 13.440 cfs            |
|             |           | 13.440 cfs            |

**LOCATION OF POINT(S) OF DIVERSION**

|               |           |                        |                |     |
|---------------|-----------|------------------------|----------------|-----|
| DEMPSEY CREEK | L2 (SWNE) | Sec 23 Twp 09S Rge 37E | BANNOCK County | (R) |
| DEMPSEY CREEK | SESE      | Sec 29 Twp 09S Rge 38E | BANNOCK County | (I) |
| DEMPSEY CREEK | SENWNW    | Sec 33 Twp 09S Rge 38E | BANNOCK County |     |

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 672 acres within the authorized place of use in a single irrigation season.
2. Rights 29-36, 29-37, 29-180 and 29-11773 when combined shall not exceed the irrigation of 861.3 acres.
3. Diversion of water from the additional point of diversion authorized under Transfer 80731 located in Lot 2 (SWNE), Sec. 23, T09S, R37E, shall not exceed a maximum diversion rate of 2.10 cfs.
4. Water may only be diverted from the point of rediversion located in Lot 2 (SWNE), Sec. 23, T09S, R37E during times when a greater amount of water is being injected into Dempsey Creek at the designated point of injection, accounting for travel time and a 1% conveyance loss between the two points.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29.
6. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the initial point of diversion from Dempsey Creek, the point of injection into Dempsey Creek, and at the point of rediversion from the Portneuf River. The right holder shall provide the watermaster access to all of these points.
7. Topaz Irrigation Co. owns 51% of Dempsey-Topaz canal system. Fish Creek Irrigation Co. is also carried in this same canal system from Fish Creek point of diversion to NESENW SEC 28 T9S R38E where it is split off the canal system and becomes its own entity.

Transfer No. 80731

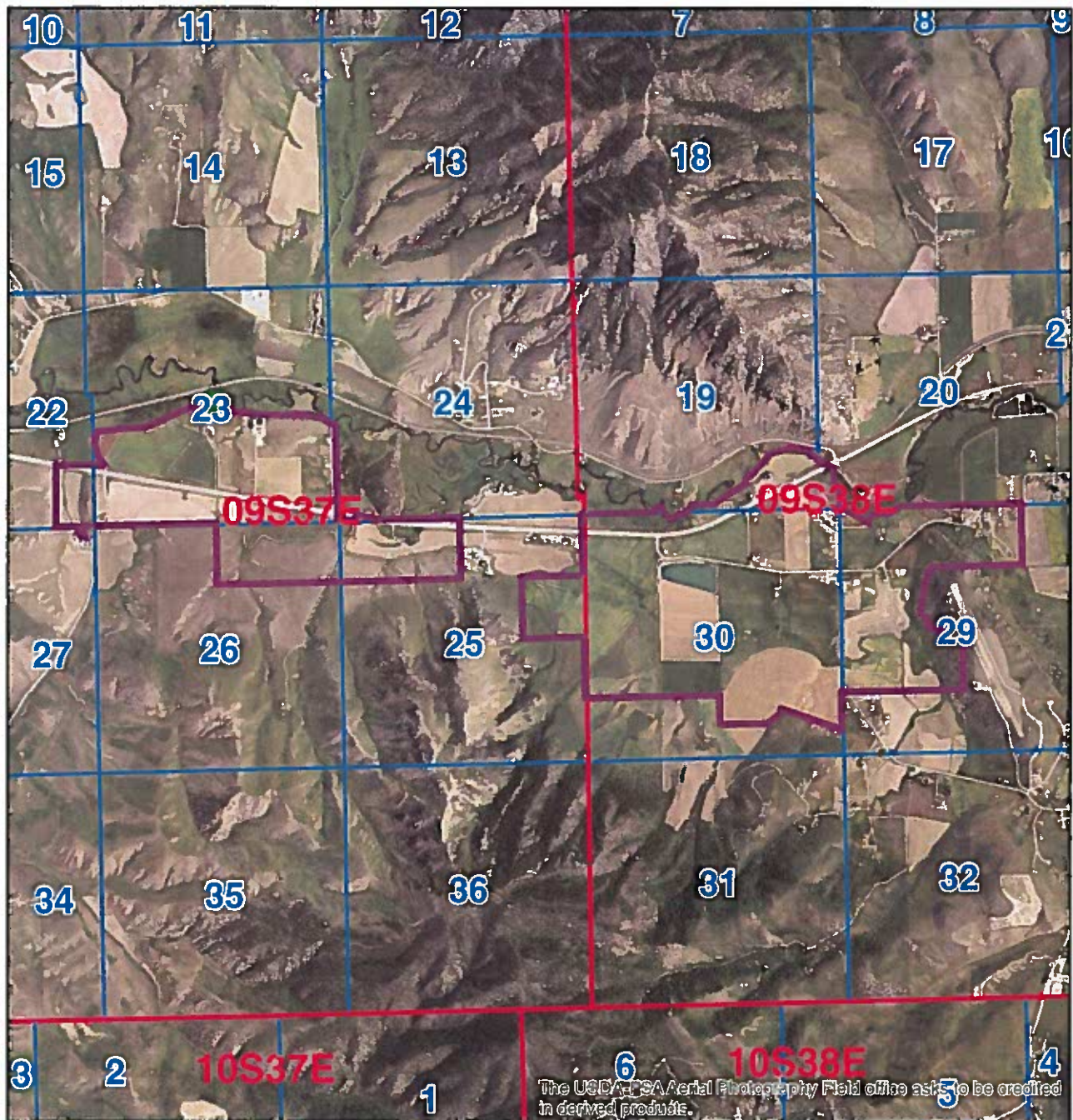
**WATER RIGHT NO. 29-180**  
**As Modified by Transfer No. 80731**

**CONDITIONS OF APPROVAL**

8. Place of use is within the area served by the Topaz Irrigation Company.
9. 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.
10. 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.
11. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after September 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than January 5, 2005.
12. Place of use does not include federal public lands.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

# Transfer Approval 80731

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



## Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 1,550 3,100 6,200 Feet

1 inch = 3,442 feet

