

RECEIVED

MAR 08 2016

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) Topaz Irrigation Company Phone (208)547-7256
2. MAILING ADDRESS 6500 Hwy 30 E City Lava Hot Springs
State ID Zip 83246 Email tyakovac@gmail.com - cnancycasper@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 29-180

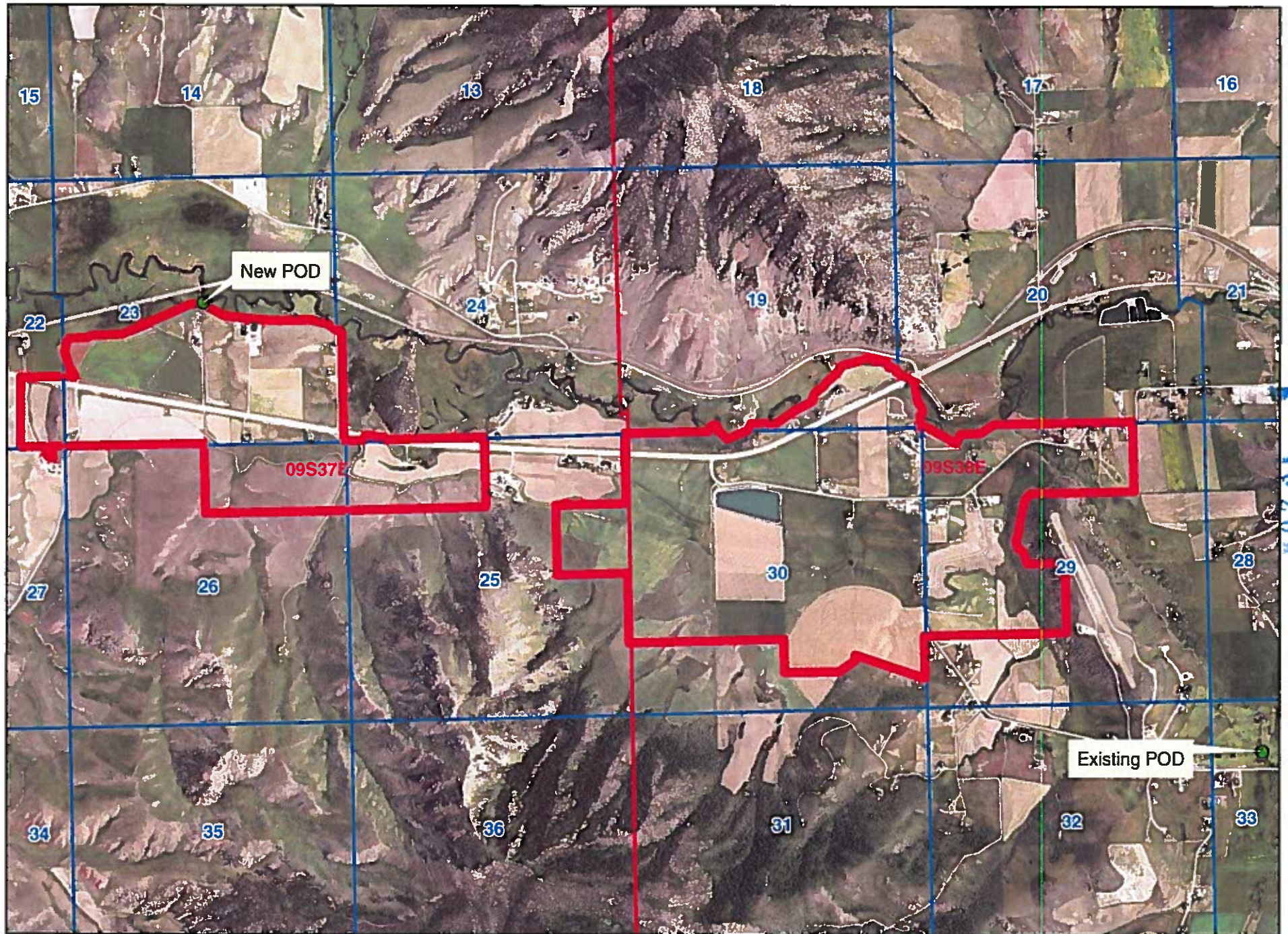
- ☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 2.109 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
09S	38E	33		SE	NW	NW	Bannock	Dempsey Creek	
09S	37E	23	2		SW	NE	Bannock	Dempsey Creek	



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FEB 10 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

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Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Topaz Irrigation Company Phone 208-547-7256

2. MAILING ADDRESS 6500 Hwy 30 E City Lava Hot Springs

State ID Zip 83246 Email tyakovac@gmail.com; cnancycasper@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 29-180

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

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[illegible]

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

See attached...

- b. Who owns the property at the point(s) of diversion? Stony and Teresa Yakovac

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Stony and Teresa are shareholders of Topaz Irrigation Company. The new POD is to service those shares.

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent

Print name and title if applicable

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$ 660 Date 2-10-2016

Received by [Signature] Receipt # E041817

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Proposed method for prevention of expansion water rights with addition of POD.

- 1) A totalizing flow meter will be attached to the pump station located at the new POD.
- 2) The totalized average flow allowed at the new POD will not be allowed to exceed the flow diverted back to Dempsey Creek less transportation losses over the course of the approximate 3 mile stretch of Dempsey Creek and Portneuf River.

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[Clear All Items](#)
[Start Search](#)

HELP!

Click any column to sort table

Option	Type ?	Basin	Sequence	Suffix	Application Number	Basis	Status	Priority Date	Div. Rate (cfs)	Source	Water Use	Owner
Details	Water Right	13	7607			License	Active	03/13/2002	0.02	SPRING	STOCKWATER	TOPAZ MARKETING L P
More Options												
Details	Water Right	13	7640			License	Active	05/19/2003	0.04	GROUND WATER	DOMESTIC	TOPAZ MARKETING L P
More Options												
Details	Water Right	29	36			Decreed	Active	04/18/1898	32	PORTNEUF RIVER	IRRIGATION	DEMPSEY IRRIGATING CO; TOPAZ IRRIGATION CO
More Options												
Details	Water Right	29	37			Decreed	Active	01/14/1907	7.5	PORTNEUF RIVER	IRRIGATION	DEMPSEY IRRIGATING CO; TOPAZ IRRIGATION CO
More Options												
Details	Water Right	29	180			Decreed	Active	04/01/1883	13.44	DEMPSEY CREEK	IRRIGATION	TOPAZ IRRIGATION CO
More Options												
Details	Water Right	29	11773			Decreed	Active	08/07/1932	32	PORTNEUF RIVER	IRRIGATION	DEMPSEY IRRIGATING CO; TOPAZ IRRIGATION CO
More Options												
Details	Water Right	29	13698			Decreed	Active	08/07/1932	6	DEMPSEY CREEK	IRRIGATION	TOPAZ IRRIGATION CO
More Options												

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16208

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/9/2016

WATER RIGHT NO. 29-180

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

Priority Date: 04/01/1883

Basis: Decreed

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>Volume</u>
IRRIGATION	4/15	9/15	13.44 CFS	
Total Diversion			13.44 CFS	

Location of Point(s) of Diversion:

DEMPSEY CREEK | SENWNW | Sec. 33 | Township 09S | Range 38E | BANNOCK County

IRRIGATION Use:

Acre Limit: 672

80731

Place(s) of use: Large POU Info

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 672 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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.
2. C18 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.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C05 USE OF THIS RIGHT WITH 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.
5. E56 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.
6. F01 Place of use is within the area served by the Topaz Irrigation Company.
7. 129 THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT #29.
8. B09 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 THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
9. S35 THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON FEDERAL PUBLIC LAND.
10. 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.
11. 135

Dates:

Licensed Date:

Decreed Date: 01/05/2005

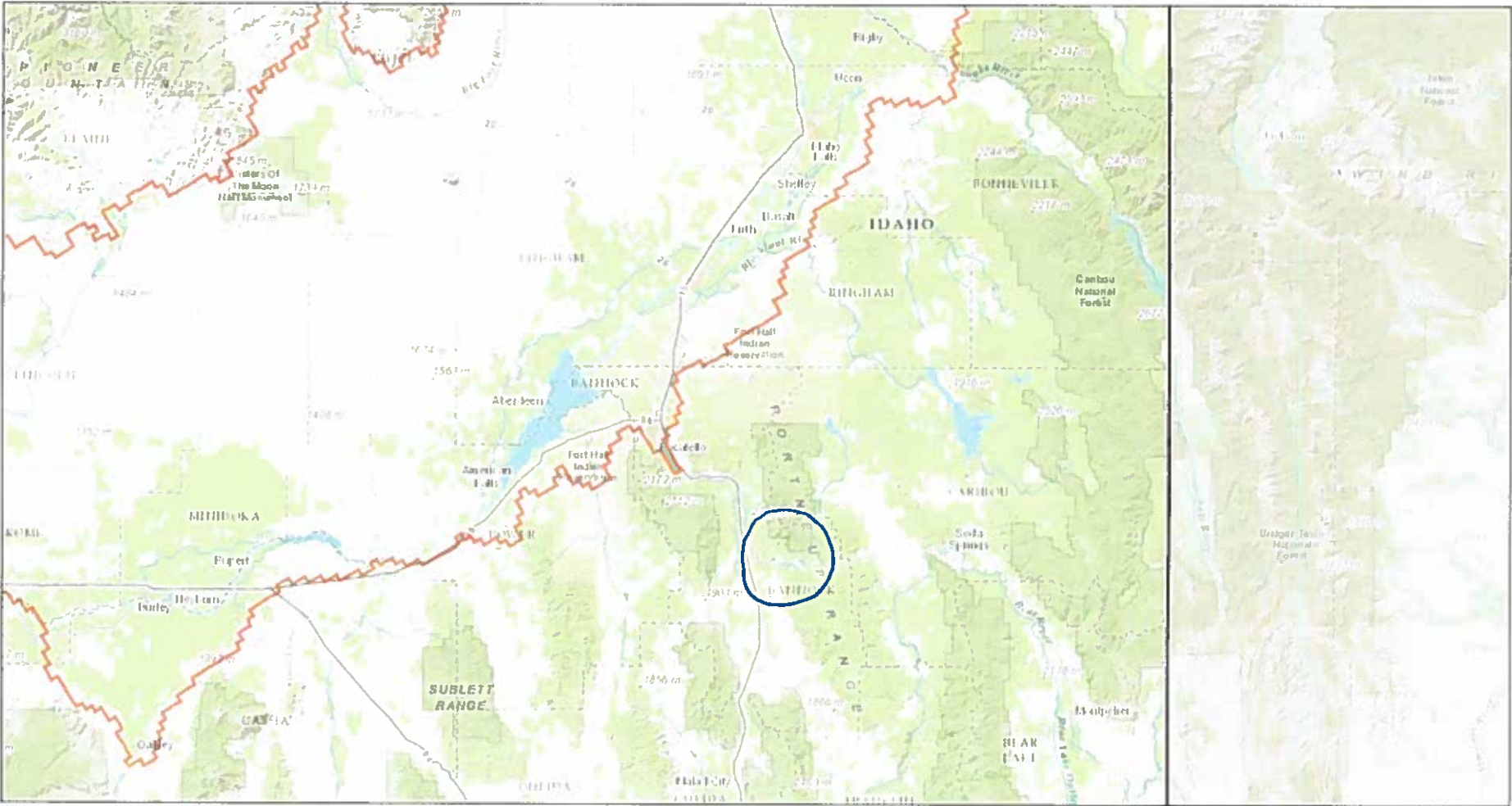
Enlargement Use Priority Date:

Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number: 29
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 1429.8
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
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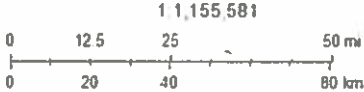
80731

ArcGIS Web Map



January 10, 2016

ESPA Model Outline



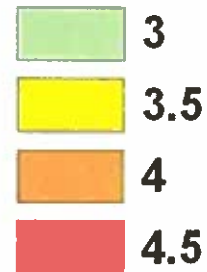
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBne, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

80731

IDWR Eastern Regional Field Headgate Requirements

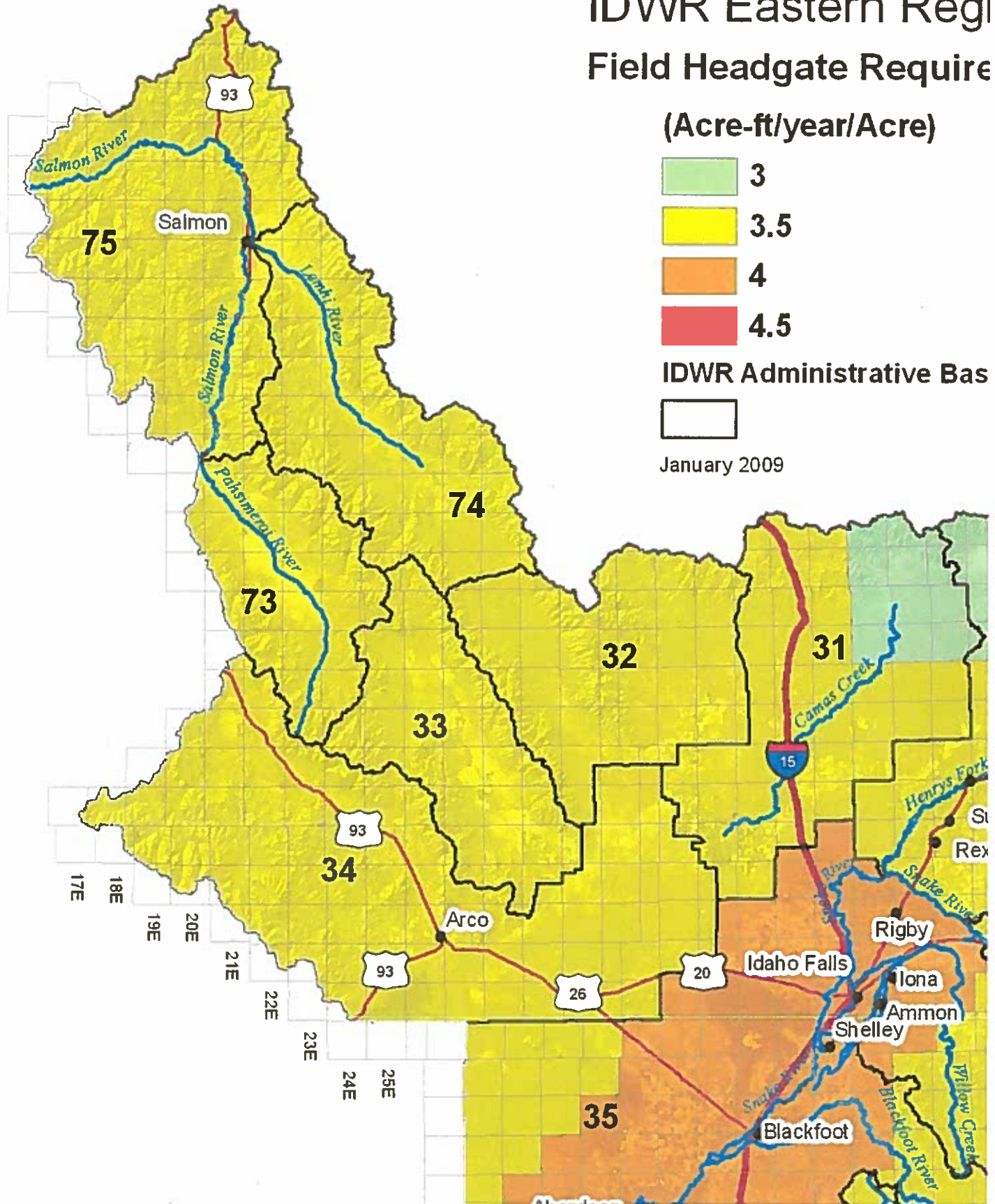
(Acre-ft/year/Acre)



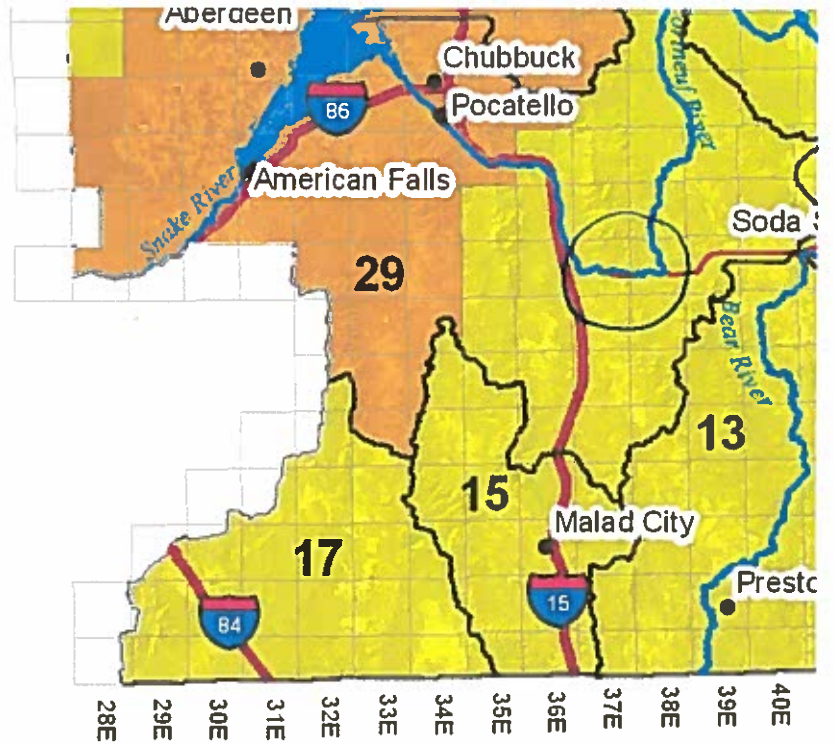
IDWR Administrative Basins

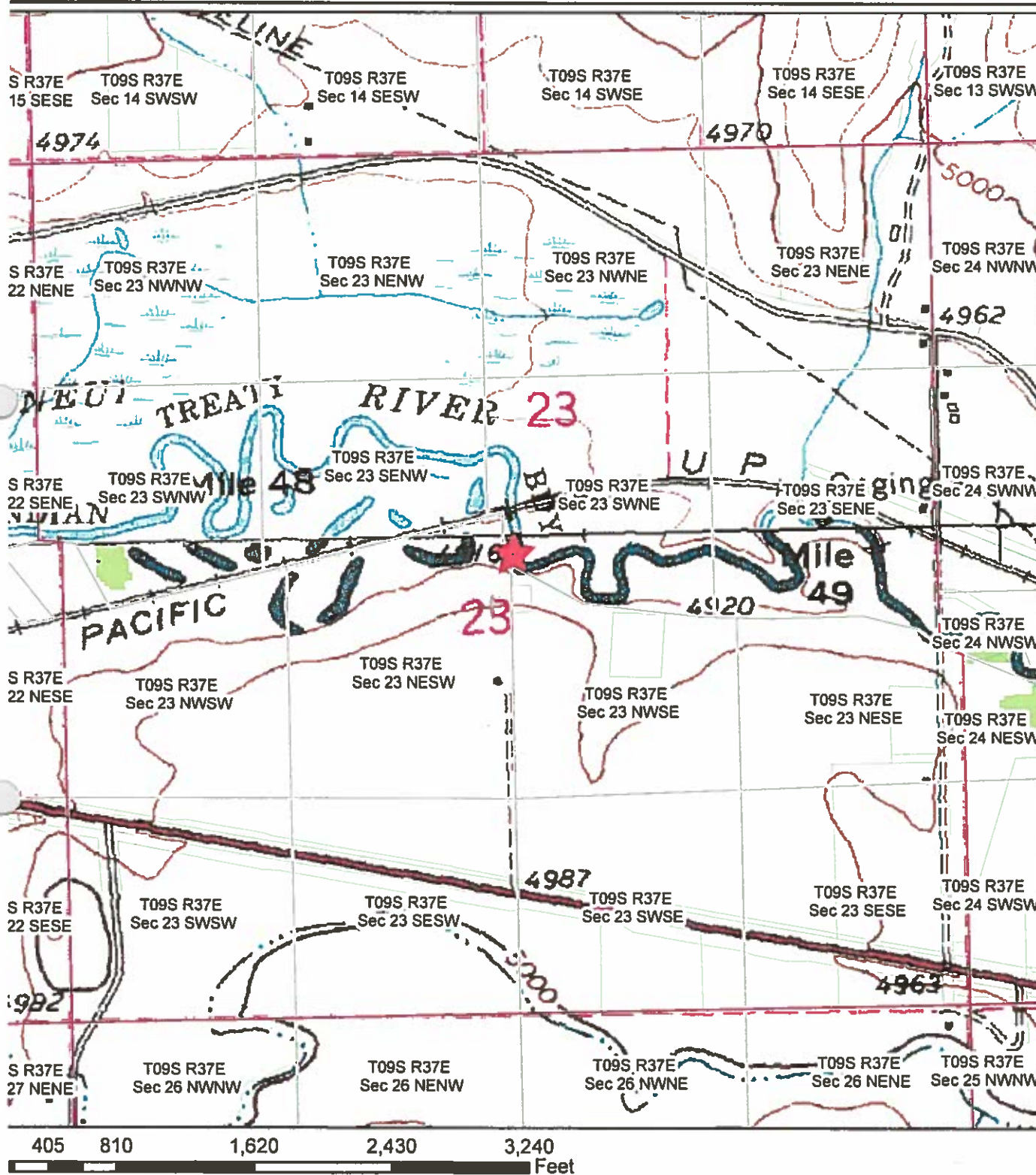


January 2009



80731



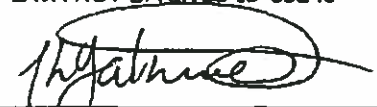
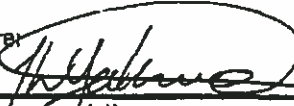


Legend

- ESPA
- GCDB Township/Range
- GCDB Section
- GCDB Quarter-Quarter
- Counties

1820830731



No. C 4429	Reinstatement Annual Report Form ADMIN DISSOLVED 08/25/2015		2. Registered Agent and Office (NOT A P.O. BOX) TERESA YAKOVAC 6500 HWY 30 E LAVA HOT SPRINGS ID 83246 																																																																
Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080 REINSTATEMENT FEE DUE: \$30.00	1. Mailing Address: Correct in this box if needed. TOPAZ IRRIGATION COMPANY, LIMITED TERESA YAKOVAC 6500 HWY 30 E LAVA HOT SPRINGS ID 83246		3. <u>New</u> Registered Agent Signature.																																																																
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors, Treasurer, Vice Pres.																																																																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>rd.</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>President</td> <td>Brett Casperson</td> <td>2893 E Maughan</td> <td></td> <td>Lava Hot</td> <td>ID</td> <td></td> <td>83246</td> </tr> <tr> <td>Secretary/Treasurer</td> <td>Teresa Yakovac</td> <td>6500 Hwy 30</td> <td></td> <td>Lava Hot</td> <td>ID</td> <td></td> <td>83246</td> </tr> <tr> <td>Vice President</td> <td>Richard Tullock</td> <td>Maughan rd</td> <td></td> <td></td> <td>ID</td> <td></td> <td>83246</td> </tr> <tr> <td>Director</td> <td>Stony Yakovac</td> <td>6500 Hwy 30 E</td> <td></td> <td></td> <td></td> <td></td> <td>83246</td> </tr> <tr> <td>Director</td> <td>Neil Hill</td> <td>P.O. Box 6</td> <td></td> <td></td> <td></td> <td></td> <td>83246</td> </tr> <tr> <td>Director</td> <td>Mike Hall</td> <td>274 S. 1st W</td> <td></td> <td></td> <td></td> <td></td> <td>83246</td> </tr> <tr> <td>Director</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Office Held	Name	Street or PO Address	rd.	City	State	Country	Postal Code	President	Brett Casperson	2893 E Maughan		Lava Hot	ID		83246	Secretary/Treasurer	Teresa Yakovac	6500 Hwy 30		Lava Hot	ID		83246	Vice President	Richard Tullock	Maughan rd			ID		83246	Director	Stony Yakovac	6500 Hwy 30 E					83246	Director	Neil Hill	P.O. Box 6					83246	Director	Mike Hall	274 S. 1st W					83246	Director							
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Director																																																																			
5. Organized Under the Laws of: IDAHO C 4429		6. Signature:  Name (type or print): <u>Teresa Yakovac</u> Title: <u>Secretary / Treasurer</u> Date: <u>09/18/15</u> Title: _____																																																																	
Issued 09/18/2015 by online																																																																			



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 9, 2016

TOPAZ IRRIGATION CO
C/O BRETT CASPERSON
8893 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246

RE: Transfer No. 80731
Water Right No(s). 29-180

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 3/17/2016 and 3/24/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Judea Jones
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 9, 2016

Steve Hebdon
Water District 29
190 N Meadowview
Arimo ID 83214

RE: Application for Transfer 807831

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Judea Jones
Administrative Assistant

Enclosure(s)

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer Number.: 80731

Applicant's Name: Topaz Irrigation Co.

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this _____ day of _____, 20____.

Water District No: 29

Watermaster's Signature

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, March 10, 2016 11:42 AM
To: 'legals@journalnet.com'
Subject: Legal Notice for Your Newspaper
Attachments: Id State Journal Cover Ltr.RTF

Contacts: Idaho State Journal

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80731

TOPAZ IRRIGATION CO, C/O BRETT CASPERSON

8893 E MAUGHAN RD, LAVA HOT SPRINGS, ID 83246; has filed Application No. 80731 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-180; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

The point(s) of diversion are in the NWNW Sec 33 T09S R38E and SWNE Sec 23 T09S R37E for 2.109 cfs from Dempsey Creek.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before 4/4/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/17/2016 and 3/24/2016

MEMORANDUM

Date: March 7, 2016
To: Transfer 80731
From: Kerrie Mathews
Re: Legal Notice Remarks

The point(s) of diversion are in the NWNW Sec 33 T09S R38E and SWNE Sec 23 T09S R37E for 2.109 cfs from Dempsey Creek.