

850 /  
(ORIGINAL FILED ON  
A29-00131)

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: A29-02449  
Date Received: 1/24/1990  
Receipt No: E012070  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DONNA RAE MABEY  
Address: 387 E. 450 S.  
CLEARFIELD, UT

84015

2. Date of Priority: NOV 03, 1961

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 08S      | 38E   | 3       | NW     | SW     | SW     |     | CARIBOU |

5. Description of diverting works:  
WELL/PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 2.220  |      | 474.00 |

7. Total Quantity Appropriated is:  
2.220 C.F.S. (and/or) 474.00 A.F.A.

8. Total consumptive use is 395.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 08S      | 38E   | 3       | NW     | SW     |     | IRR | 7.0   |
|          |       |         | SW     | SW     |     | IRR | 36.0  |

Section Acres 43.0

A29-02449

Page 1

Date: 01/24/90

MICROFILMED

NOV 13 1992

RECEIVED

FEB 15 1990

Department of Water Resources  
Eastern District Office

A2902449



10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 08S      | 38E   | 4       | NE         | SE  | IRR           | 38.0  |
|          |       |         | SW         | SE  | IRR           | 38.0  |
|          |       |         | SE         | SE  | IRR           | 39.0  |
|          |       |         |            |     | Section Acres | 115.0 |
|          |       |         |            |     | Total Acres   | 158.0 |

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:  
A29-00131/00133/02048.

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 29951

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 \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**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): *Vona Rae Mahoy* Date: 2/12/90  
Date: \_\_\_\_\_

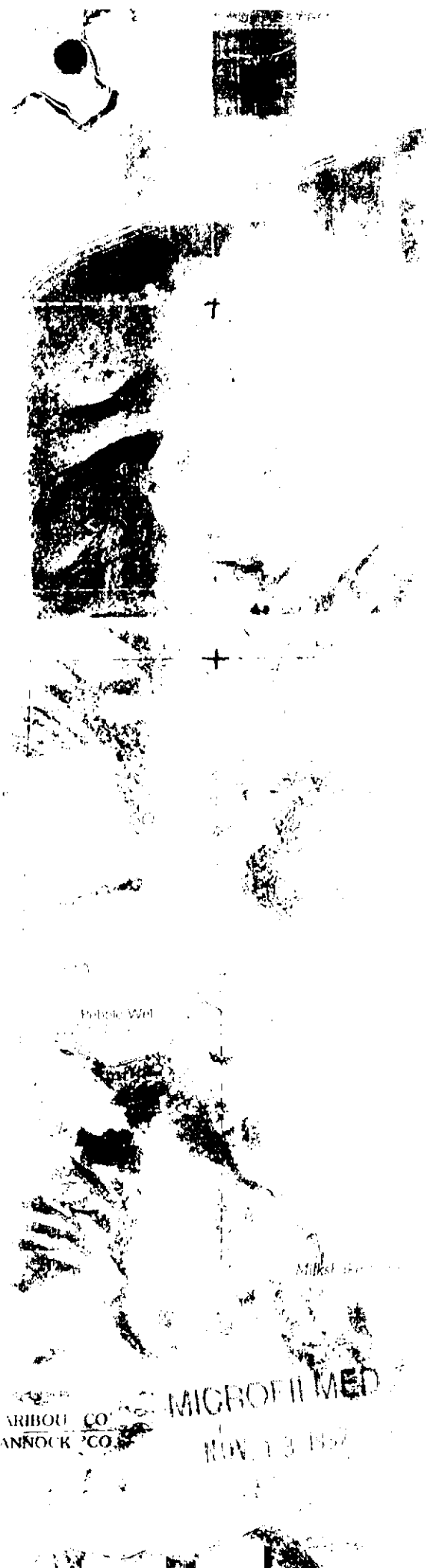
State of ~~Idaho~~ UTAH )  
County of DAVIS ) SS.

Subscribed and sworn (or affirmed) before me this 12<sup>TH</sup> day  
of FEBRUARY 19 90

*Harold C. Steed*  
Notary Public

Seal

Residing at CLEARFIELD, UTAH  
My Commission Expires JUNE 18, 1990



ARIBOU CO  
VANNOCK CO  
MICROFILMED  
NOV 13 1967

Log for claim A29-02449

Spatial Dynamics LTD

6/13/00

| TR             | SEC | QQ    | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|-------|------------------|----------------|---------|
| 08s38e         | 3   | NWSW/ | 7                | 6.8            |         |
| 08s38e         | 3   | SWSW/ | 36               | 40             |         |
| 08s38e         | 4   | NESE  | 38               | 38             |         |
| 08s38e         | 4   | SWSE  | 38               | 39             |         |
| 08s38e         | 4   | SESE  | 39               | 40             |         |
| <b>Totals:</b> |     |       | 158              | 163.8          |         |

AJ5809NP  
No. A29-02449

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00  
PAGE: 77

| OWNER<br>CODE    | NAME & ADDRESS                                        | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | DONNA RAE MABEY<br>387 E 450 S<br>CLEARFIELD UT 84015 | 11/03/1961       | IRRIGATION | 04-01 10-31           | 2.220 CFS         | 474.00 AFA          |
| TOTAL DIVERSION: |                                                       |                  |            |                       | 2.220 CFS         | 474.00 AFA          |
| CONSUMPTIVE USE: |                                                       |                  |            |                       |                   | 395.00 AFA          |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T08S R38E S03 NWSWSW

CARIBOU County

Place of use Legal Description for: IRRIGATION

|             |     |   |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |       |       |
|-------------|-----|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------|
| T           | R   | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :     | SUM   |
| 08S         | 38E | 3 | : |    |    |    |    |    |    |    |    |    |    | 07 | 36 |    |    |    |    |       | 43.0  |
| 08S         | 38E | 4 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 38 | 38 | 39    | 115.0 |
| TOTAL ACRES |     |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 158.0 |       |

POU County: CARIBOU

Other Rights: A29-00131/00133/02048.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A29-12918

Other Water Rights Listing Overlapping Place(s) of Use:  
A29-00131 A29-00133 A29-02048

|        |                        |                        |                       |
|--------|------------------------|------------------------|-----------------------|
| Dates: | Exam Made Date:        | Verified Date:         | Objection Filed Date: |
| Misc:  | Water District Number: | Field Inspection Flag: |                       |
|        |                        | Presumption Flag:      |                       |
| Audit: | 01/24/90 MOBILE3       | 07/13/94 COX           | 03/29/95 POST-STD     |

# WATER LICENSE

Water License No. G-29951/29-2449 Priority November 3, 1961 Amount 2.22 c. f. s.  
(late proof)

THIS IS TO CERTIFY, that JAMES W. MABEY  
of Bancroft, Idaho, made application for a permit to appropriate the public waters of  
the State of Idaho, dated July 14, 1961; that Permit G-29951/29-2449 was issued pursuant  
to said application; that the proposed works were completed on or about July 1967  
with a storage/or carrying capacity of 2.22 c. f. s., said works consisting of  
well, pump, motor, and sprinkler system; and that on December 20, 1967  
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 474  
acre feet per season, with a maximum rate of diversion of 2.22 cubic feet per second of the waters  
of ground water, tributary of \_\_\_\_\_,  
for the purpose of Irrigation from April 1 to October 31;  
and for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_; and for  
\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_; and that the use  
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-  
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is  
located in SW 1/4 SW 1/4, Sec. 3, T. 8 S., R. 38 E., B.M., and  
other additional points \_\_\_\_\_, in the County of  
Caribou; and that the amount of water to which such right is  
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially  
used for said purposes and shall not exceed 474 acre feet per year.

Description and location of place of use:

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 8 S  | 38 E  | 3    |        |        |        |        |        |        |        |        | 7      | 36     |        |        |        |        |        |        | 43     |
|      |       | 4    |        |        |        |        |        |        |        |        |        |        |        |        | 38     |        | 38     | 39     | 115    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 158

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,  
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

13th day of August, 19 69

*[Signature]*  
State Reclamation Engineer

29951

29-2449

# APPLICATION FOR PERMIT

## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 37971  
Permit No. G- 29951  
District No.

1. Name of Applicant: James W. Mabey  
Postoffice address: Bancroft County: Caribou State: Idaho
2. Quantity of water claimed: 3.72 cubic feet per second
  - (a) Rate of withdrawal in cubic feet per second or Idaho  
Miners' inches or gallons per minute
  - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: subterranean
4. Location of point of diversion or well is in the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 3  
Twp. 8 S , Rge. 38 E , B.M., County of Caribou
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
  - (a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M.
  - (b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.
7. Kind of works: Drilled well
8. Estimated cost of works: \$ 5,000
9. (a) Is reservoir to be used? no  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5  
years.
11. If applicant is a corporation, give:
  - I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$  
(d) Names and addresses of directors:
  - II. The financial resources of the applicant are (a) Cash on hand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:  
Dist. No. 17 Right No. 98 and 100
  - (a) 3.2 cu.ft. (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
  - (b) 26 miners (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: This water would be used when the watermaster shuts off the decreed rights on  
Pettie Creek. Usually between June 15 and July 15.

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of  
Idaho as herein set forth.

s/ James W. Mabey

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 2:30 P.M. July 14, 1961

Returned to applicant for correction:

Corrected application received:

### Approval of State Reclamation Engineer

The number of this permit is G— 29951

Recorded in Book 105

Page 29951

Approved July 18, 1961

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve  
the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 18, 1964

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or  
before July 18, 1966

Witness my hand this 18th day of July, 1961

s/ G. D. N. CARTER

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,  
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to  
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th  
day of January, 1961.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

Secretary of State.

By s/ ROBERT E. SMYLLIE

Governor

12.

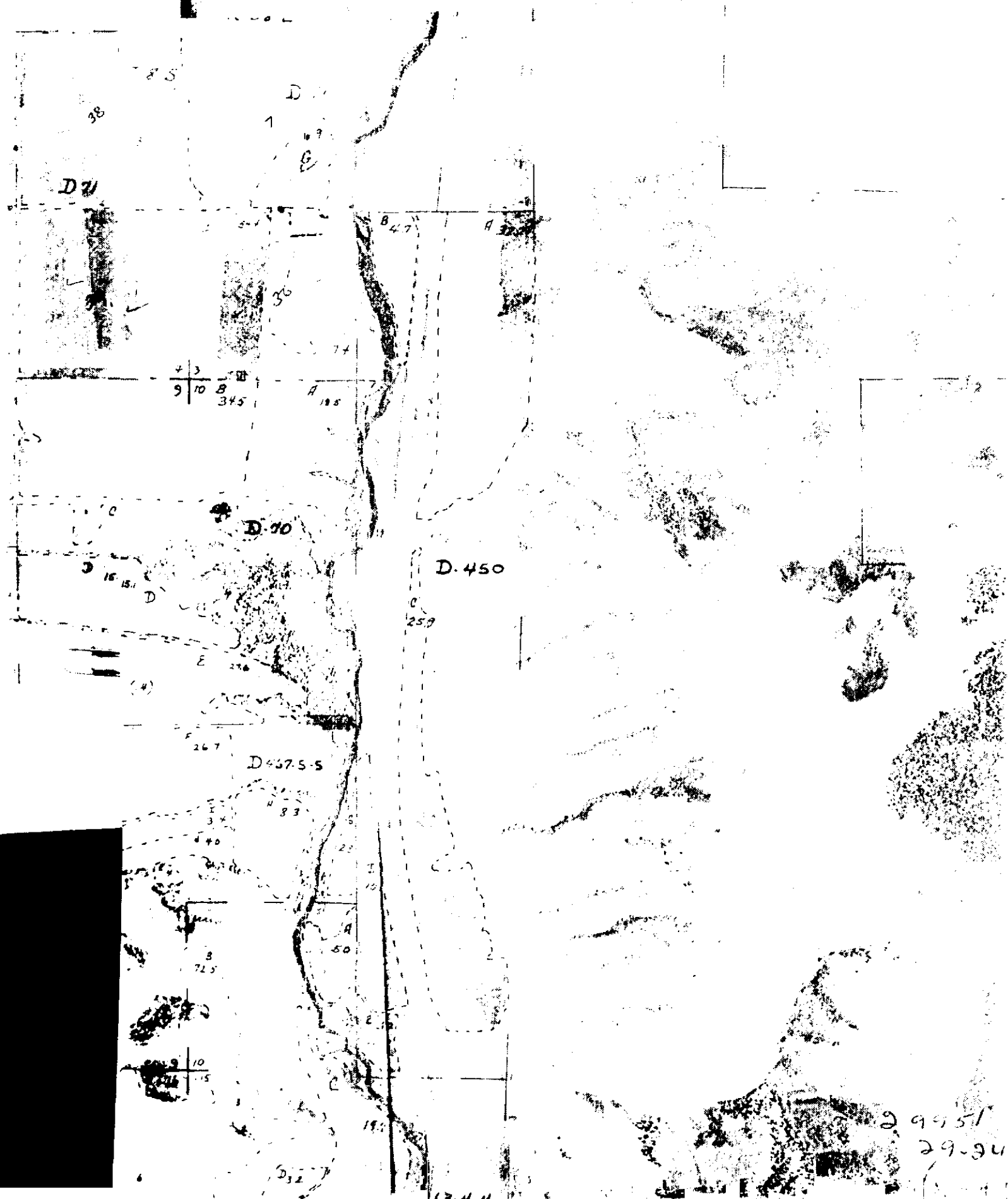
| Twp. | Range | Sec.   | NE¼                                                                                                                                                                                                                                                                                               | NW¼             | SW¼             | SE¼             | Totals                 |
|------|-------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|-----------------|------------------------|
|      |       |        | NE¼ NW¼ SW¼ SE¼                                                                                                                                                                                                                                                                                   | NE¼ NW¼ SW¼ SE¼ | NE¼ NW¼ SW¼ SE¼ | NE¼ NW¼ SW¼ SE¼ |                        |
| 8 S  | 38 E  | 3<br>4 |                                                                                                                                                                                                                                                                                                   |                 | 10 16 40        | 40 40 40        | 66<br>120<br>TOTAL 186 |
|      |       |        | EXTENSION OF TIME ✓                                                                                                                                                                                                                                                                               |                 |                 |                 |                        |
|      |       |        | I, R. Keith Higginson, Deputy State Reclamation Engineer of the State of Idaho, hereby extend the<br>time for the completion of works under Permit to appropriate the Public Waters of the State of Idaho,<br>No. G-29951 to September 1, 1967.<br>Witness my hand this 17th day of August, 1966. |                 |                 |                 |                        |
|      |       |        | Recorded: August 17, 1966.                                                                                                                                                                                                                                                                        |                 |                 |                 |                        |
|      |       |        | /s/ R. KEITH HIGGINSON, Deputy<br>State Reclamation Engineer                                                                                                                                                                                                                                      |                 |                 |                 |                        |
|      |       |        | LICENSE ISSUED FOR 2,000 EC. FT.<br>LICENSE PAGE NO. _____                                                                                                                                                                                                                                        |                 |                 |                 |                        |

MEMORANDUM

TO: File 29-02449  
FROM: Donna Corless  
RE: TRANSFER # 3820  
DATE: August 6, 1993

=====  
Original Transfer Application, Form and correspondence  
regarding the above referenced Transfer is located within file  
# 29-00131.

*This transfer was denied July 30, 1993.*



29951  
29-34

13

35 84  
4 3

(26)

D 435-2-6

D-71

1

E

D-71

K 161

38

30

4 3  
9 10 8

345

A 18.5

D-70

D 15 15

267

D 437.5-5

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### INSTRUCTIONS TO EXAMINERS

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1. Always carefully note the location of the point of diversion and accurately plat same.
  2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
  3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
  4. If any unusual conditions are discovered, make plain statement of them under remarks.
  5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
  6. Give general characteristics of soils, topography, and crops raised.
- 

James W. Mabey  
Bancroft, Idaho

Permit No. G-29951

Examination for Completion of Works and Beneficial Use

County Caribou

Quantity: Sec. 3 T. 8S R. 38E  
3.72 c.f.s.

Source: 29-  
subterranean

P.D.: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , sec. 3, T. 8 S, R. 38 E, B.M.

Use: irrigation

Extension: yes c/w September 1, 1967

Protest:

Completion of Works:

Other Rights: District #17 Right No. 98 and 100

Filed: July 14, 1961

Due: July 18, 1966 extension to September 1, 1967

Made: December 20, 1967

Priority: November 3, 1961  
(late proof)

irrigation of 160 acres  
well, electric motor  
149 x 12  
H - 30  
Q - 1200 gpm  
116-8 gallon - 37#

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
REPORT OF EXAMINER

Permit No. G-29951

This proof is for Completion of Works and Beneficial Use In Water District No.

1. Name of applicant James W. Mabey

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3

T. 8 S R. 38 E County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same:

100 HP US HOUSEHOLD # 1401908  
4 B VTP # D15958 1000 gpm 3.4' 770 RPM  
8" DIKHOSE - CV CV INTO TET & L W 6" TO HOUSE  
APT - 6" 1/2 TUN 8" 1/2 - SPAINWELL SYSTEM

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , sec. 3; E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , sec. 4, T. 8 S, R. 38 E, B.M.

CROWN MAP. BEET (22 AC) & PASTURE

186 acres

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: G-8-7814

WELL BEARING OF GRACE TEST - 1800 gpm

PUMP DATA - 2.22 cfs

DEPOSITIONS - 2.68 cfs

IRIGATION REQUIREMENT = 3.0 AC-FT/ACRE (Season)  
WASUCO 1/8" + 7/8" 1/4" RAINBIRD @ 40 lbs. Q<sub>1</sub> = (11.5 gpm) (1.6 NO2) = 41  
100 - 1/4" RAINBIRD 30W @ 15 lbs. Q<sub>2</sub> = (8.07 gpm) (1.00 NO3) = 1.81  
W.L. 35' D.D. TO 60'

This examination was made on the

day of

(Signed)

Aug 1968  
29951  
29-2449  
2.22  
DRC  
EXAMINER

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

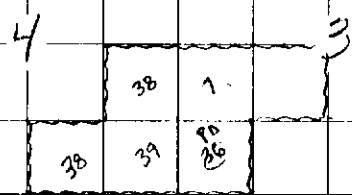
REPORT OF EXAMINER

PERMIT NO. G-29951

REPORT ON PROOF OF Completion of Works and Beneficial Use

29951  
29.7444

T 85



15  
11 3  

---

158

AREA - 158 ACRES

SURF - 5  
2.22  
Q - 2.22 C.F.S. <sup>can</sup>

VOL - 474 AC-FT / SEASON

PRIORITY - (WATER PROOF)

~~November 16, 1962~~  
~~NOV. 3, 1961~~  
November 3, 1961