

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: A29-04173

Date Received: 1-16-90

Receipt No: 1005524

Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. EMERSON MABEY 208-648-7885
Address: P.O. BOX 130
BANCROFT, ID 83217

OR

Name: ADA MARIE MABEY 208-648-7885
Address: P.O. BOX 130
BANCROFT, ID 83217

2. Date of Priority: APR 22, 1892

3. Source: MABEY CANYON Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	40E	33	SE	NW	NE		CARIBOU

5. Description of diverting works:

DAM 9' HIGH, 200' WIDE, 400' LONG RESEVOIR, GRAVITY FEED PRESSURE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			9.20
IRRIGATION FROM STORAGE	04/15	10/15			9.20

7. Total Quantity Appropriated is:

C.F.S. (and/or) 9.20 A.F.A.

8. Total consumptive use is 92.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A2904173

1). Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
07S	40E	33	NW	NE		IRR FS	12.0
			NW	NE		IRR S	
			SW	NE		IRR FS	1.5
			NE	NW		IRR FS	2.5
			SW	NW		IRR FS	10.0
			SE	NW		IRR FS	20.0

Section Acres 46.0

Total Acres 46.0

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:
NONE

11. Remarks:

15. Basis of Claim: BENEFICIAL USE

MICROFILMED

NOV 13 1992

15. 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): *J. Emerson Mabey* Date: 1/16/90
Date:

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of January 19 90

Anna Baur
Notary Public

Seal

Residing at Anna Baur, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994



5000
6000
7000 FEET
1 KILOMETRE

1 MILE

38000m. E.

111°45'

MICROFILMED

NOV 13 1982

PORTNEUF SE, IDAHO
N4245-W11145/7.5
1974

REPRODUCTION

Ada Marie Mabey
PO Box 130
Bancroft, Idaho 83217
March 1, 1995

RECEIVED

MAR 03 1995

Department of Water Resources
Eastern District Office

Dave Carlson, Water Right Agent
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402-1718

A29-04173 Documentation of 1992 priority of claim irrigation water in Monroe Canyon (Mabey Canyon), Caribou County

Most of the documents suggested in the pamphlet *Evidence of Priority* to substantiate the priority of a water claim cannot be produced for a priority such as that for the irrigation water in Monroe Canyon which is over one hundred years old.

The only document I am aware of dating back to 1893 relating to the claim to the water in Monroe Canyon is the NOTICE OF WATER LOCATION filed on April 22, 1892 by John Griffiths, the original owner of the first homestead in Monroe Canyon. A certified copy of that document filed in Bingham County and now on file in Caribou County is enclosed. Note that Griffiths certified that the water in Monroe Creek is diverted.

The earliest published reference to agricultural development in Monroe Canyon I am aware of is in a book *Our Fathers House* written by Charles R. Mabey, Governor of Utah from 1921 to 1925. His father, Joseph T. Mabey, purchased the homestead and water right from Griffiths in 1898. This book was published in 1947. Charles R. Mabey worked in the Monroe Canyon area in the 1890s and thus had first-hand knowledge of the development on his father's land. Referring to the purchase he wrote on page 229: "It must also be remembered that the owner had broken up about a hundred acres of the land in the lower canyon and most of this was planted into alfalfa." (Copy of title page and page 229 enclosed)

The oldest living person I know of who has first-hand knowledge of the early use of the surface water in Monroe Canyon is Cora Mabey Barnett. A notarized affidavit from her is enclosed.

100-13-1000

100-13-1000

I have ledger and journal entries by Judson A. Mabey for the period 1900 to 1910 relating to the use of the surface water in Monroe Canyon for irrigation and other documents relating to the use of the surface water in Monroe Canyon after 1910.

I believe the material enclosed is the best information available on the early development of water in Monroe Canyon and that it substantiates the 1892 priority. If you need additional information, please contact me.

Sincerely yours,

Ada Marie Mabey
Ada Marie Mabey

Enclosures:

Certified copy of Notice of Water Location

Copies of pages from *Our Fathers House*

Affidavit from Cora Mabey Barnett

OUR FATHER'S HOUSE

JOSEPH THOMAS MABEY
FAMILY HISTORY



CHARLES RENDELL MABEY
AUTHOR

229

1947
BEVERLY CRAFTSMEN
SALT LAKE CITY

RECEIVED

MAR 03 1995

Department of Water Resources
Eastern District Office

NOV 13 1994

Lake, the upland slopes near Chalk Creek in Utah, the very top of the Caribou Mountain between Idaho and Wyoming, and a thousand other spots, high and low, had lured his flocks to good feed and lush pasturages. The dark days of 1893 and 1894, when ewes sold as low as \$1.00 per head and wool for 7 cents per pound, and a double bed wagon load of fruits and vegetables brought less than \$5.00 on the Salt Lake market, had passed by. The long uphill climb had been accomplished and the weary family found itself able to get out of debt, providing it disposed of its herds. This decision was made and two things grew out of it.

In a narrow mountain valley about eight miles to the northeast of Bancroft lay a beautiful plot of ground. Hemmed in on three sides by low ranges on which grew a plentiful supply of quaking aspen and sage brush, while in depressions at the head of two small canyons flourished bunch grass, other types of sage and grasses dear to the palate of the sheep, this was an ideal spot for a modern live stock ranch. A number of springs of clear cool water added to the attractiveness of the place. Father had a chance to buy a quarter section of land and the practical control of the canyon for \$1000.00, and it is needless to say that he jumped at the opportunity. He was very anxious that the two older boys, Judson and Will, who had been with him in all of the ups and downs of the sheep business should have an interest in building up a good "spread" in this place. It must also be remembered that the owner had broken up about a hundred acres of the land in the lower canyon and most of this was planted into alfalfa.

The Mabey Ranch for more than forty years has held a unique place in the industry in this part of Idaho. For it was here, after father had sold his sheep, that Judson and Will entered into a partnership, which continued for nearly a quarter of a century. Their summer range was on the Haystack Mountain out of which Pebble Creek runs; their winter quarters were on the Bancroft flats and the low hills and the valleys at the ranch. In addition to this, they also fed the sheep when the

RECEIVED
NOV 13 1900

Notice is hereby given that I John Griffiths, a citizen of the United States and over the age of twenty one years do claim and appropriate 300 inches of water flowing in what is known as Monro Creek, Bingham County, Idaho. Said waters is diverted by means of a ditch about 3 ft on the bottom and 18 inches deep and is taken out of said stream about three quarters of a mile above the narrows of a canyon in which said stream flows therefrom and running in a westerly direction to the land of the undersigned about $5/8$ miles. And further that I claim all the above named stream for mining, domestic and agricultural purposes, and that a notice of location has been posted on the ground of the diversion of said stream

Dated this 22nd day of April 1892

John Griffiths

Recorded at the request of John Griffiths April 22nd 1892 at 8.35 A.M. M. Patrie
Recorded
Transcribed from Book D of Water Locations page 39 Records of Bingham County Idaho.
Transcribed from Bannock County Records, Water Location Record No. 1, page 452

STATE OF IDAHO
COUNTY OF CARIBOU }

Senise Harsley, Clerk, Auditor and Recorder of Caribou County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original Water Locations as the same appears on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this office at Soda Springs, Idaho this 9th day of Feb 1995.

Senise Harsley
Clerk, Auditor & Recorder, Caribou
County, Idaho.

RECEIVED
MAR 03 1895
Department of Water Resources
Eastern District Office

Affidavit from Cora Mabey Barnett
505 South 1100 East
Bountiful, Utah 84010

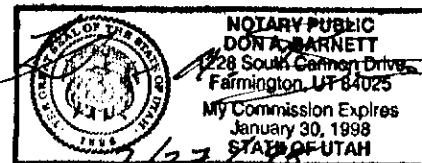
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MAR 03 1995

Deposited
in

I was born in 1905 and spent all or part of the summer months through 1930 at my family's ranch or on my homestead in Monroe Canyon, Caribou County, Idaho. From the time I can remember, which is about 1910, my father Judson A. Mabey used the water in the creek in Monroe Canyon to irrigate alfalfa, potatoes, and in some years other crops. Approximately 60 acres of land were irrigated.

Cora M. Barnett



11-13-1998