

RECEIVED

MAY 04 1992

Department of Water Resources
Eastern District Office

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: A29-11953
Date Received: 5/ 2/1990
Receipt No: E014021
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOHN B MCNABB 208-775-3681
Address: 6377 N RAPID CREEK ROAD
INKOM ~~PORTNEUF~~ ID 83245
AND/OR
Name: JOY MCNABB 208-775-3681
Address: 6377 N RAPID CREEK ROAD
INKOM ~~PORTNEUF~~ ID 83245

2. Date of Priority: APR 1, 1956

3. Source: RAPID CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	36E	34	SE	NW	SW		BANNOCK

5. Description of diverting works:
PUMP FROM CREEK TO APPROX. 2 ACRES LAWN, GARDEN AREA

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATER

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	36E	34	NW	SW		IRR	2.0
Section Acres							2.0
Total Acres							2.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

WE USE WELL FOR HOUSE AND CREEK FOR YARD AND LIVESTOCK.

15. Basis of Claim: BENEFICIAL USE

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):

John B. McRae
Jay M. Ralsh

Date: 30 Apr 92

Date: 4/30/92

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State of Idaho

County of Bannock

) SS.

Subscribed and sworn (or affirmed) before me this 30 day

of April

19 92

Seal

Dwight H. Harkness
Notary Public

Residing at Payette, Idaho

My Commission Expires 3-14-93

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN 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 - 11953Date Received 5/1/96Receipt Number E014021NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 1 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) John B. McNabb ^{4/a Jay} Phone (208) 775-3681
Mailing Address 6377 N Rapid Creek Rd. Boise 83245
Box 4366 Poca Ida Zip 832452. Date of Priority (Only one (1) per claim) 1957 April 1 19563. Source of water supply (a) Rapid Creek
which is tributary to (b) Portneuf River4. a. Location of existing point of diversion is: Township 6S Range 36E Section 34,
SE 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 6S Range 36E Section 34, SE 1/4 of NW 1/4 of SW 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. pump in use from creek
to approx 2 acres lawn - garden area

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For yard + garden purposes from May to Dec amount _____ or _____
For livestock purposes from annually amount _____ or _____
For Irrigation purposes from 4-1 to 11-1 amount 0.06 or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 5.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) incidental stockwater.

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	36E	34										2							2

Total number of acres irrigated 2 acres

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
well or None ()

14. Remarks: we use well for house + creek for
yard + livestock

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Last Name McWabb Ident No. _____

NOV 16 1992

Copies: White - State, Yellow - Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐

Decree ☐

If applicable provide IDWR Water Right Number ☐

Court ☐ Case Number ☐ Decree Date ☐

Plaintiff vs Defendant ☐

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X John B. McNabb Date 30 Apr 90

Date ☐

For Organizations: I do solemnly swear or affirm that I am ☐

Title

of ☐ , that I have signed the foregoing

Organization

document in the space below as ☐ of ☐

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent ☐

Title and Organization ☐ Date ☐

State of Idaho/or IDAHO)

) SS.

County of BANNOCK)

Subscribed and sworn (or affirmed) before me this 30 day of April 19 90

SEAL

Notary Public Sherry Helmandollar

Residing at Idaho 83245

My Commission Expires October 23 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, ☐ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature ☐

Address ☐

Date ☐

Last Name McNabb Ident. Number ☐

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NOV 10 1992
Copies White-State, Yellow-Claimant

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
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CIVIL CASE NUMBER: 39576

Ident. Number A29-11953

Date Received 5/1/90

Receipt Number E014021

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 1 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) John B. McNabb Phone (208) 233-6750
Mailing Address Bx 4366 Poca Ida Zip 83205
2. Date of Priority (Only one (1) per claim) 1957
3. Source of water supply (a) Rapid Creek
which is tributary to (b) Portneuf
4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township 6S Range 36E Section 34, SE 1/4 of NW 1/4 of SW₁
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. pump in use from creek
to approx 2 acres lawn - garden area



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NOV 16 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For yard + garden purposes from May to Dec amount _____ or _____

For livestock purposes from annually amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 2 acres

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

well or None ()

14. Remarks: we use well for house + creek for
yard + livestock

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NOV 16 1992

Last Name McWabb Ident No. _____

Copies: White - State, Yellow - Claimant

Scale: 2 inches equals 1 mile

See 34

A 16x16 grid of graph paper. In the center, there is a handwritten word 'Rapid' in a cursive script. Below the word, a rectangular box is drawn, spanning from the 8th column to the 10th column and from the 8th row to the 10th row. The box is drawn with thick black lines. The grid lines are thin and light gray.

Last Name McNabb

Ident No.

NOV 16 1992
Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) John B. McNabb

Date 30 Apr 90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or IDAHO)

County of BANNOCK)

SS.

Subscribed and sworn (or affirmed) before me this 30 day of April 19 90

SEAL

Notary Public Sherry Helmandollar

Residing at Idaho, Idaho 83245

My Commission Expires October 23 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 16 1992

Last Name McNabb

Ident. Number _____

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 • (208) 525-7161 • Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 20, 2001

29-11953
JOHN B MCNABB
JOY MCNABB
6377 N RAPID CREEK RD
INKOM ID 83245

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 22, 2001, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Notice of Claim 29-11953

Log for claim A29-11953

Spatial Dynamics LTD

9/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s36e	34	NWSW	2	38	Indiscernible
Totals:			2	38	

AJ5809NP
No. A29-11953

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 340

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOY MCNABB	04/01/1956	IRRIGATION	04-01 11-01	0.060 CFS	
C	JOHN B MCNABB					
	6377 N RAPID CREEK RD			TOTAL DIVERSION:	0.060 CFS	
	POCATELLO ID 83245			CONSUMPTIVE USE:		5.00 AFA
	(208) 775-3681					

Water Source: RAPID CREEK

Tributary to: PORTNEUF RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R36E S34 SENWSW BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	
06S	36E	34	:					:					:		02			:					:		2.0	
																							TOTAL ACRES	2.0		

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATER

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-11952 A29-11952

Remarks: GEN WE USE WELL FOR HOUSE AND CREEK FOR YARD AND LIVESTOCK.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 11/06/91 THOMPSON 04/14/92 THOMPSON 09/15/94 JTHOMPSO 03/29/95 POST-STD

APRIL 14, 1992

JOHN B MC NABB
6377 N RAPID CREEK ROAD
POCATELLO ID 83245

RE: NOTICES OF CLAIM A29-11952 AND A29-11953

Dear Mr. Mc Nabb:

Enclosed are two Notices of Claim prepared with information provided by Joy during our telephone conversation on November 4, 1991.

Notice of Claim A29-11953 is for irrigation of 2 acres and Notice of claim A29-11952 is for Domestic and Stockwater.

Since the Department has data entered these two Notices based on information received during our phone conversation, I ask you to please review the Notices for accuracy. **When you are satisfied both Notices reflect the uses of water on your property, sign them in the presence of a Notary and return them within 15 days (May 5, 1992).**

The Department has been directed to return the filing fees on incomplete Notices, so if the Notices are not returned by May 5, 1992, the refund process will be initiated.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Gregory J. Taylor
Water Right Agent, Adjudications

GT:jt

Enclosure

File:

MICROFILMED

NOV 16 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

NOVEMBER 6, 1991

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

JOHN B MC NABB
6377 N RAPID CREEK ROAD
POCATELLO ID 83245

RE: NOTICES OF CLAIM A29-11952 AND A29-11953 AND
REFUND ON A29-11990

Dear Mr. Mc Nabb:

Enclosed are two Notices of Claim prepared with information provided by Joy during our telephone conversation on November 4, 1991.

Notice of Claim A29-11953 is for irrigation of 2 acres, and Notice of Claim A29-11952 is for domestic and stockwater.

Since the Department has data entered these two Notices based on information received during our phone conversation, I ask you to please review the Notices for accuracy. When you are satisfied both Notices reflect the uses of water on your property, sign them in the presence of a Notary and return them within 15 days (November 27, 1991).

The Department has been directed to return the filing fees on incomplete Notices, so if the Notices are not returned by November 27, 1991, the refund process will be initiated.

In regard to Notice of Claim A29-11990 that was filed on by mistake, the Department is sending a "request for refund" to the State Office in Boise. Due to a heavy backlog, it may be a couple of months before you receive a refund of \$25.00 on this Notice.

MICROFILMED

NOV 16 1992

John Mc Nabb

Page - 2 -

If you have any questions regarding this matter, please do not hesitate to call 525-7161.

Respectfully submitted,

Ernest Carlsen,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

FILE:

MICROFILMED
NOV 10 1992