

06/04/2003

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-131  
NAME AND ADDRESS: LANNY B HOLBROOK  
2181 W 1780 S  
SYRACUSE UT 84075  
JOANN M HOLBROOK  
2181 W 1780 S  
SYRACUSE UT 84075

SOURCE: PEBBLE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 3.170 CFS  
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 3.87 CFS. COMBINED RIGHT NOS.: 29-131, 29-133, &  
29-2449.

PRIORITY DATE: 06/25/1902

POINT OF DIVERSION:  
T08S R38E S8 SESE Within CARIBOU County  
T08S R38E S9 NESW Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 09/15          | 3.170 CFS       |

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 OCTOBER 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.

PLACE OF USE: IRRIGATION Within CARIBOU County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T08S R38E S03 | NWSW | 6.6  | T08S R38E S03 | SWSW | 18.0 |
| T08S R38E S04 | NESE | 40.0 | T08S R38E S04 | SWSE | 39.0 |
| T08S R38E S04 | SESE | 40.0 | T08S R38E S09 | NWNE | 19.0 |

162.6 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 162.6 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 29-131, 29-133, & 29-2449.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 158.5 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: Decreed

Water Right 29-131

1  
06/04/2003

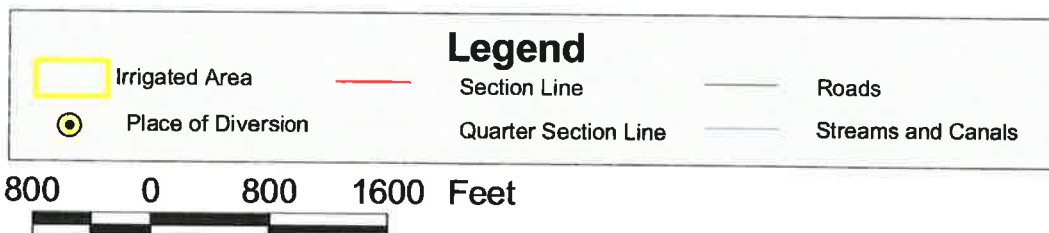
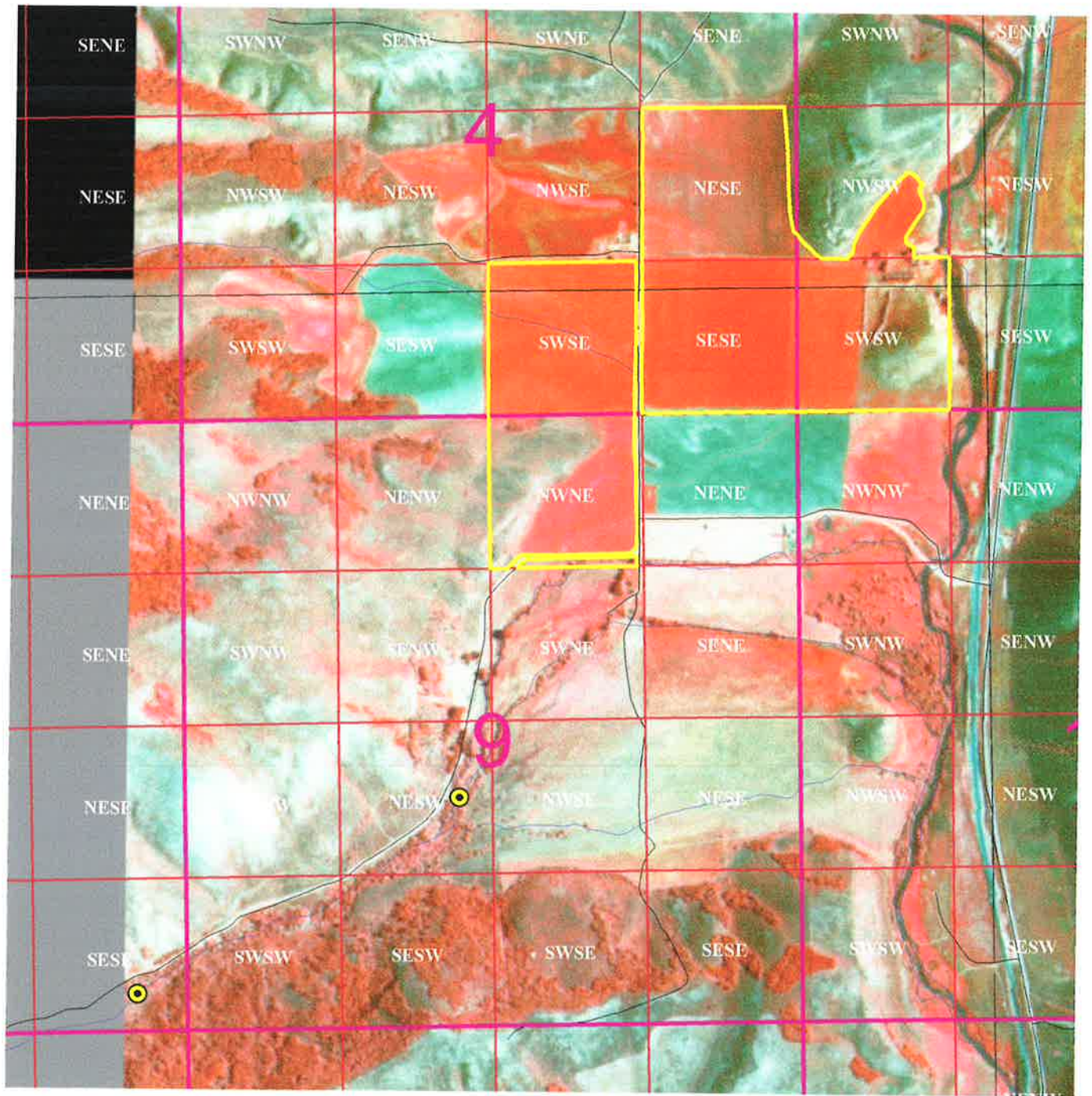
IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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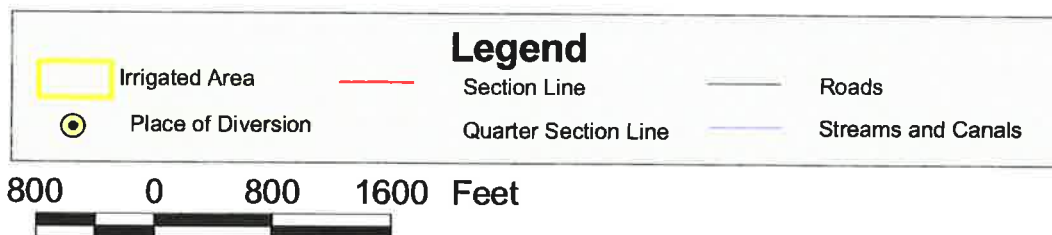
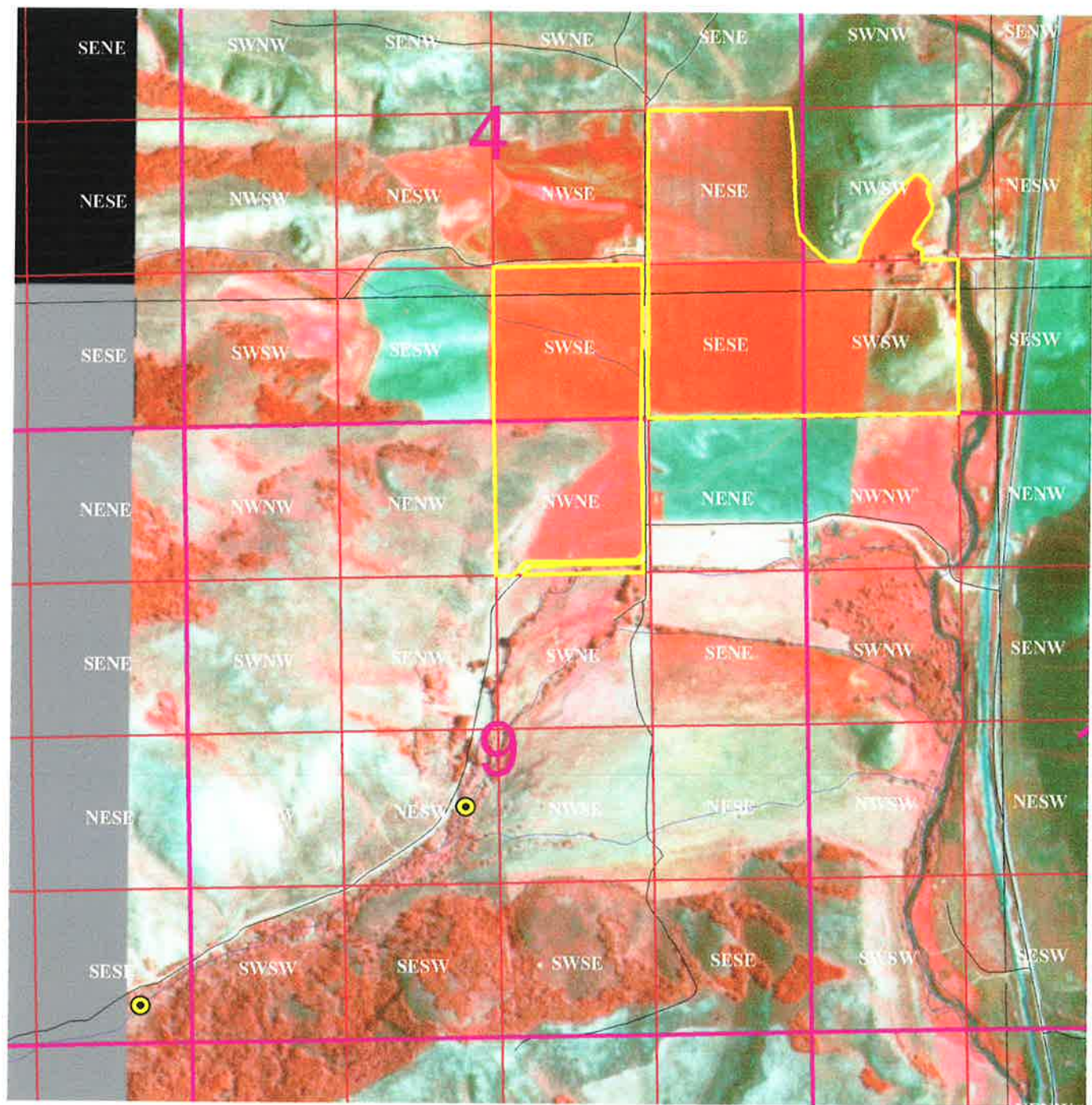
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

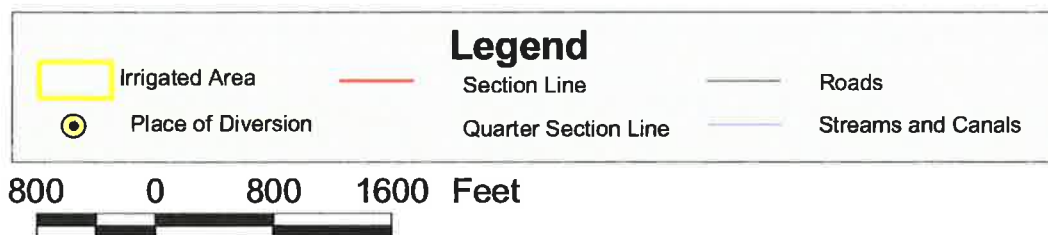
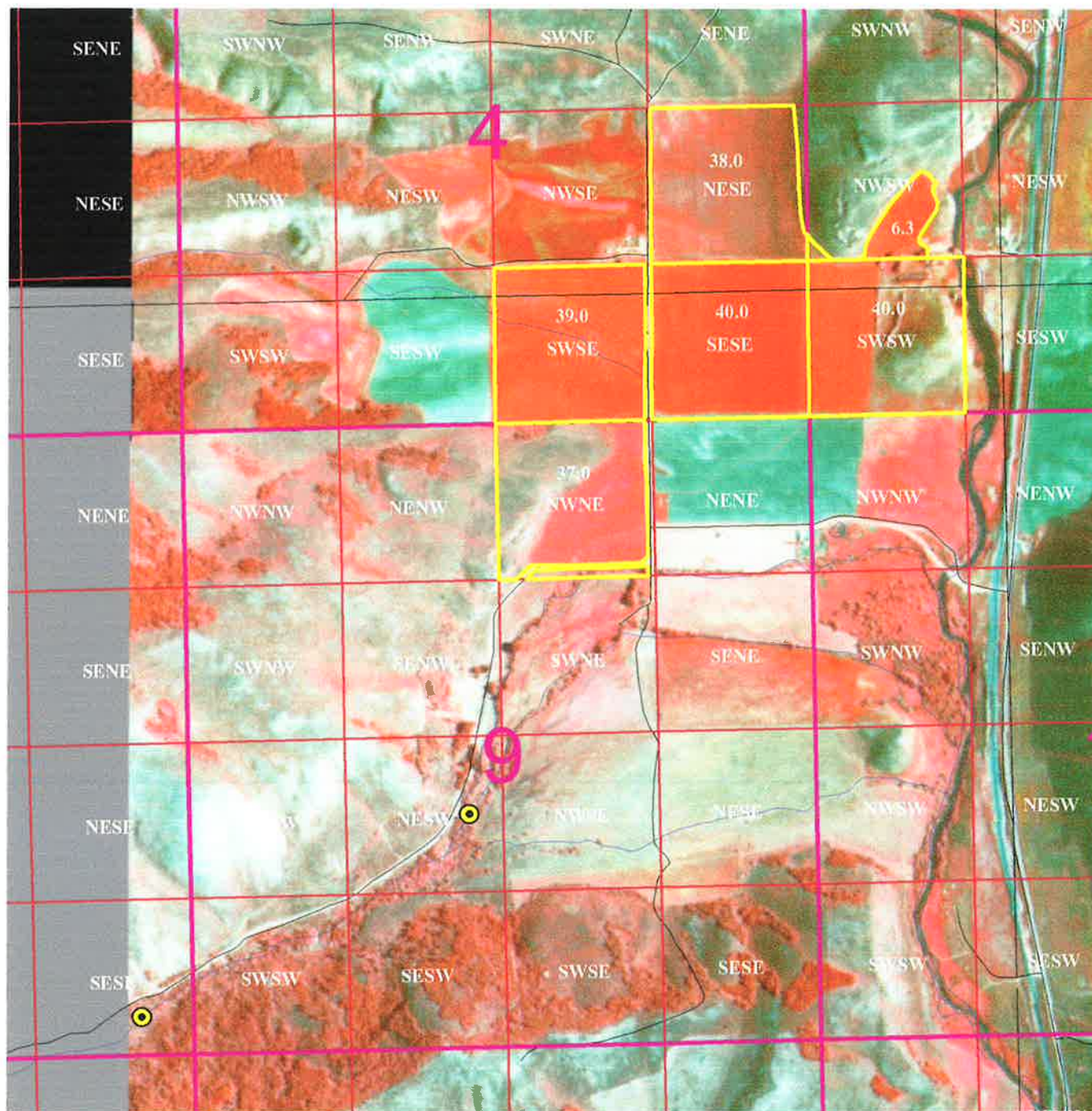
Township , 8S38E



Township , 8S38E



Township , 8S38E





State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

June 4, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

LANNY B HOLBROOK AND  
JOANN M HOLBROOK  
2181 W 1780 S  
SYRACUSE, UTAH 84075

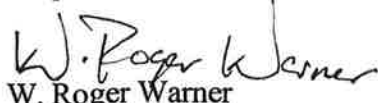
RE: CHANGE IN OWNERSHIP FOR WATER RIGHTS NOS. 29-131, 29-133,  
29-2449, & 29-2048.

Dear Mr. and Mrs. Holbrook:

I received the recent updated warranty deed for the Mabey property. Please find enclosed copies of the revised recommendations reflecting you as the current owners.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,



W. Roger Warner  
Adjudication Specialist

Enclosure(s) Copies of Revised Preliminary Recommendations for  
Water Rights 29-131, 29-133, 29-2449, & 29-2048.

PROFILED

SCANNED  
JUN 28 2005

5-28-03

Roger Warner

RECEIVED  
JUN 2 2003  
Department of Natural Resources  
Eastern Region

The error in the property description you found has been corrected. . Thanks !!

The problem now is to get the water rights 29-131, 29-133, 29-2449, 29-2048 into my name.

I paid \$185,000 on Nov 21, 2000 for an undivided one-half interest of 3 parcels of property that made up the Mahay farm. This warranty deed protected my interest as well as Dona Rae Mahay's interest in the farm.

I paid \$165,000 on Feb 14, 2002 for an undivided one half interest of 3 parcels of property that made up the Mahay farm. This gave me full ownership. In order to obtain this information for getting water rights, both warranty deeds need to be looked at by DWR to determine that water rights need to be in my name.

I am sending a copy of the latest warranty deed dated May 14, 2003 to clarify this. I hope this last warranty deed doesn't confuse the issue. There seems to be enough warranty deeds even before this last deed of May 15, 2003 to substantiate this. It would be no however to have 1 warranty deed.

Hope you can get water rights in my name only.  
I am sending the latest warranty deed (copy) dated 5-15-2003.  
Thanks Sam Hall

SCANNED

JUN 28 2005

**PALMER & PALMER**

ATTORNEYS AT LAW  
975 WEST 1700 SOUTH, SUITE 201  
SYRACUSE, UTAH 84075  
TELEPHONE (801) 825-2202  
FACSIMILE (801) 773-5060

MARK D. PALMER\*

\*ALSO ADMITTED IN WASHINGTON, D.C.

J. DUFFY PALMER

(1921-1996)

May 27, 2003

Lanny Holbrook  
2207 West 1700 South  
Syracuse, Utah 84075

RE: QUIT CLAIM DEED

Dear Lanny:

Enclosed you will find the original Warrant Deed recorded in Caribou County, Idaho. I think the full amount has now been transferred, but you may want to call and double check with the County Recorder in Idaho. If you have any further questions, please call our office.

Very truly yours,

Palmer & Palmer



Secretary to  
Mark D. Palmer

enclosure

SCANNED

JUN 28 2005

PROFILED

When Recorded Return to:  
Mark D. Palmer, Esq.  
PALMER & PALMER, L.C.  
975 West 1700 South, Suite 201  
Syracuse, Utah 84075

STATE OF IDAHO  
County of Caribou J 38 168635-  
I hereby certify that this instrument was filed at the request  
of Palmer & Palmer L.C.  
at 12:55 o'clock P m this 22 day of  
May in my office and duly  
recorded official Records.  
Recorder Edie Bush  
Signature [Signature] Deputy [Signature] \$16.00

WARRANTY DEED

Dona Rae Mabey, Trustee of the Dona Rae Mabey Family Protection Trust, dated the 28<sup>th</sup> day of March, 1994, grantor, of 1178 West Shashas Avenue, Riverton 84065, Salt Lake County, State of Utah conveys and warrants to Lanny B. Holbrook and JoAnn M. Holbrook, Trustees of the Lanny B. Holbrook Family Protection Trust, dated the 11<sup>th</sup> day of February, 1999, grantee, of 2207 West 1700 South, Syracuse 84075, Davis County, State of Utah, for the sum of \$10.00 and other good and valuable consideration, the following-described tract of land in Caribou County, State of Idaho:

An undivided one-half interest in and to the following:

40 ACRES: NW 1/4 OF NE 1/4 SEC 9 T8S-R38E

120 ACRES: SW 1/4 OF SE 1/4, E 1/2 SE 1/4 LESS 2.27 ACRES HW,  
SEC 4 T8S R38 E

148 ACRES: W 1/2 OF THE SW 1/4, SW 1/4 OF THE NW 1/4 TR SE  
1/4 OF NW 1/4 W OF RR, TR NE 1/4 OF SW 1/4 W OF  
RIVER SEC 3 T8S R38E

Excepting therefrom all liens and encumbrances of record.

Witness the hand of grantor this 14 day of May, 2003.

THE DONA RAE MABEY  
FAMILY PROTECTION TRUST

[Signature]  
DONA RAE MABEY, TRUSTEE

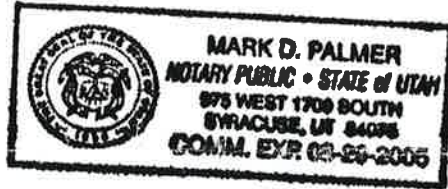
SCANNED

JUN 28 2005

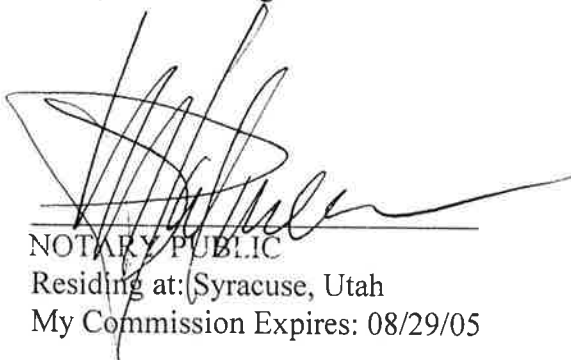
PROFILED

STATE OF UTAH                    )  
                                          (ss.  
COUNTY OF DAVIS            )

On the 14 day of May, 2003, personally appeared before me Dona Rae Mabey, Trustee of the Dona Rae Mabey Family Protection Trust, dated the 28<sup>th</sup> day of March, 1994, the signer of the within instrument, who duly acknowledged to me that she executed the same.



(SEAL)

  
NOTARY PUBLIC  
Residing at: Syracuse, Utah  
My Commission Expires: 08/29/05

PROFILED

SCANNED  
JUN 28 2005

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

*OK per Roger*  
*data entry Jen*  
*5/13/03*

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| WR 29-131             |                              |       |                       |                              |       |
| WR 29-133             |                              |       |                       |                              |       |
| WR 29-2449            |                              |       |                       |                              |       |
| WR 29-2048            |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED**, **TITLE POLICY**, **CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

DONA RAE MABEY  
1178 W. SHASHAS AVE.

4. New Owner/Claimant(s)

RIVERTON, UT 84065  
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or  
LANNY B. HOLBROOK JOANN M. HOLBROOK  
2181 W. 1780 S.

New Mailing Address

City, State and ZIP Code

SYRACUSE, UTAH 84075

New Telephone Number

(801) 825-7311

5. Date you acquired the property

{ 1/2 INTEREST ON 1-12-2000  
1/2 INTEREST ON 3-1-2002

RECEIVED

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JUN 28 2005

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When Recorded Return to:  
Mark D. Palmer, Esq.  
PALMER & PALMER, L.C.  
975 West 1700 South, Suite 201  
Syracuse, Utah 84075

RECEIVED  
MAY 08 2003  
Department of Water Resources  
Eastern Region

### CORRECTED WARRANTY DEED

Dona Rae Mabey, Trustee of the Dona Rae Mabey Family Protection Trust, dated the 28<sup>th</sup> day of March, 1994, grantor, of 387 East 450 South, Clearfield, Davis County, State of Utah conveys and warrants to Lanny B. Holbrook and JoAnn M. Holbrook, Trustees of the Lanny B. Holbrook Family Protection Trust, dated the 11<sup>th</sup> day of February, 1999, grantee, of 2207 West 1700 South, Syracuse, Davis County, State of Utah, for the sum of \$10.00 and other good and valuable consideration, the following-described tract of land in Caribou County, State of Idaho:

An undivided one-half interest in and to the following:

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120 ACRES: SW 1/4 OF SE 1/4, E 1/2 SE 1/4 LESS 2.27 ACRES HW.  
SEC 4 T8S R38 E

148 ACRES: W 1/2 OF THE SW 1/4, SW 1/4 OF THE NW 1/4 TR SE  
1/4 OF NW 1/4 W OF RR, TR NE 1/4 OF SW 1/4 W OF  
RIVER SEC 3 T8S R38E

Excepting therefrom all liens and encumbrances of record.

This deed is filed to correct the inadvertent mistake in the legal description on the original Warranty Deed that was recorded on March 6, 2002 as Entry Number 165442.

Witness the hand of grantor this 16<sup>th</sup> day of April, 2003.

THE DONA RAE MABEY  
FAMILY PROTECTION TRUST

STATE OF IDAHO } ss 168357  
County of Caribou }  
I hereby certify that this instrument was filed at the request  
of Mark D. Palmer  
at 10:05 o'clock a m this 21 day of  
April, 2003 in my office and duly  
recorded official Records  
Recorder Edie Bush  
Denise Housley  
Signature Deputy

Dona Rae Mabey  
DONA RAE MABEY, TRUSTEE

SCANNED

JUN 28 2005

**PALMER & PALMER**

ATTORNEYS AT LAW  
975 WEST 1700 SOUTH, SUITE 201  
SYRACUSE, UTAH 84075  
TELEPHONE (801) 825-2202  
FACSIMILE (801) 773-5060

**MARK D. PALMER\***

**LARON J. LIND+**

\*ALSO ADMITTED IN WASHINGTON D.C.

+ALSO ADMITTED IN CALIFORNIA

**J. DUFFY PALMER**

(1921-1996)

March 11, 2002

Lanny & JoAnn Holbrook  
2207 West 1700 South  
Syracuse, Utah 84075

RE: WARRANTY DEED

Dear Mr. and Mrs. Holbrook:

Enclosed please find your original Warranty Deed which has been recorded with the Caribou County Recorder's Office in Idaho. I sent a copy of the deed to Dona Rae Mabey, as well as kept a copy for our office files. I have enclosed a bill for the deed work. Please feel free to call with any questions you may have.

Thank you very much.

Very truly yours,

Palmer & Palmer



Secretary to  
Mark D. Palmer

enclosures

PROFILED

SCANNED

JUN 28 2005

STATE OF IDAHO }  
County of Caribou }

165442

I hereby certify that this instrument was filed at the request  
of Mark D. Palmer  
at 11:15 o'clock A m this 16<sup>th</sup> day of  
March, 2002 in my office and duly  
recorded official Records  
Recorder Edie Izatt

When Recorded Return to:  
Mark D. Palmer, Esq.  
PALMER & PALMER, L.C.  
975 West 1700 South, Suite 201  
Syracuse, Utah 84075

Signature

Deputy 6.00 Ad

### WARRANTY DEED

Dona Rae Mabey, Trustee of the Dona Rae Mabey Family Protection Trust, dated the 28<sup>th</sup> day of March, 1994, grantor, of 387 East 450 South, Clearfield, Davis County, State of Utah conveys and warrants to Lanny B. Holbrook and JoAnn M. Holbrook, Trustees of the Lanny B. Holbrook Family Protection Trust, dated the 11<sup>th</sup> day of February, 1999, grantee, of 2207 West 1700 South, Syracuse, Davis County, State of Utah, for the sum of \$10.00 and other good and valuable consideration, the following-described tract of land in Caribou County, State of Idaho:

An undivided one-half interest in and to the following:

40 ACRES: NW 1/4 OF NE 1/4 SEC 9 ~~SEC 9~~ T8<sup>5</sup>S R38E ✓

120 ACRES: SW 1/4 OF SE 1/4, E 1/2 SE 1/4 LESS 2.27 ACRES HW.  
SEC 4 T8S R38 E ✓

148 ACRES: W 1/2 OF THE SE 1/4<sup>80</sup>, SW 1/4 OF THE NW 1/4<sup>40</sup> TR SE 1/4  
20 OF NW 1/4 W OF RR, TR NE 1/4 OF SW 1/4 W OF  
RIVER SEC 3 T8S R38E 87

Excepting therefrom all liens and encumbrances of record.

Witness the hand of grantor this 1st day of March, 2002.

THE DONA RAE MABEY  
FAMILY PROTECTION TRUST

Dona Rae Mabey  
DONA RAE MABEY, TRUSTEE

SCANNED

JUN 28 2005

PROFILED

When Recorded Return to:  
Mark D. Palmer, Esq.  
PALMER & PALMER, L.C.  
975 West 1700 South, Suite 201  
Syracuse, Utah 84075

### WARRANTY DEED

Dona Rae Mabey, Trustee of the Dona Rae Mabey Family Protection Trust, dated the 28<sup>th</sup> day of March, 1994, grantor, of 387 East 450 South, Clearfield, Davis County, State of Utah conveys and warrants to Lanny B. Holbrook and JoAnn M. Holbrook, Trustees of the Lanny B. Holbrook Family Protection Trust, dated the 11<sup>th</sup> day of February, 1999, grantee, of 2207 West 1700 South, Syracuse, Davis County, State of Utah, for the sum of \$10.00 and other good and valuable consideration, the following-described tract of land in Caribou County, State of Idaho:

40 ACRES: NW 1/4 OF NE 1/4 SEC 9 SEC 9 T82-R38E

120 ACRES: SW 1/4 OF SE 1/4, E 1/2 SE 1/4 LESS 2.27 ACRES HW. SEC 4  
T8S R38 E

148 ACRES: W 1/2 OF THE SE 1/4, SW 1/4 OF THE NW 1/4 TR SE 1/4 OF  
NW 1/4 W OF RR, TR NE 1/4 OF SW 1/4 W OF RIVER SEC 3  
T8S R38E

Excepting therefrom all liens and encumbrances of record.

Witness the hand of grantor this 12th day of January, 2000.

THE DONA RAE MABEY  
FAMILY PROTECTION TRUST

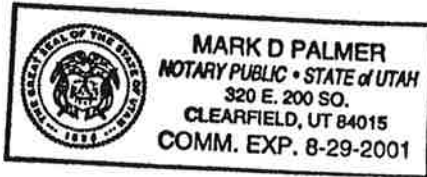
  
DONA RAE MABEY, TRUSTEE

SCANNED  
JUN 28 2005

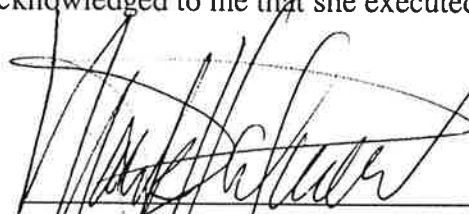
PROFIT

STATE OF UTAH            )  
                                  ( ss.  
COUNTY OF DAVIS        )

On the 12th day of January, 2000, personally appeared before me Dona Rae Mabey, Trustee of the Dona Rae Mabey Family Protection Trust, dated the 28<sup>th</sup> day of March, 1994, the signer of the within instrument, who duly acknowledged to me that she executed the same.



(SEAL)

  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: Syracuse, Utah  
My Commission Expires: 08/29/01

SCANNED  
JUN 28 2005

PROFILE

State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

April 3, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

LANNY B HOLBROOK AND  
JOANN M HOLBROOK  
2181 W 1780 S  
SYRACUSE, UTAH 84075

RE: CHANGE IN OWNERSHIP FOR WATER RIGHTS NOS. 29-131, 29-133,  
29-2449, & 29-2048.

Dear Mr. and Mrs. Holbrook:

Thank you for returning the change-of-ownership form to our office. In our review of the transfer of ownership of the property, we recognized that the land descriptions in the warranty deeds did not entirely match those of the above referenced water rights. Your warranty deed list included the following (problem areas highlighted in red and underlined):

40 ACRES: NW ¼ OF NE ¼ SEC 9 SEC9 T82-R38E

120 ACRES: SW ¼ OF SE ¼, E ½ SE ¼ LESS 2.27 ACRES HW.  
SEC 4 T8S R38 E

148 ACRES: W ½ OF THE SE ¼, SW ¼ OF THE NW ¼ TR SE ¼  
OF NW ¼ W OF RR, TR NE ¼ OF SW ¼ W OF  
RIVER SEC 3 T8S R38E

The 40-acre tract described above is not a problem. It only shows the section number duplicated and the T82 appears to be a typographical error that should read T8S. The problem is the description of the 148-acre tract. This description details two forty-acre tracts that are beyond the areas of the reference water rights thereby stranding two-quarter sections that cover the irrigated areas. It appears that this should have read "SW ¼" instead of "SE ¼." This leaves two options:

1. Correct the warranty deeds and submit a new change of ownership form with the new warranty deeds, or
2. Commence a water right transfer to split the above referenced water rights between yourselves and whoever continues to own the W ½ of the SW ¼ of section 3, T8S R38E.

As a courtesy, I have included a 1987/1988 infrared aerial photo layout of your property showing the quarter sections and the lands irrigated from the referenced

RECEIVED  
MAY 08 2003  
Department of Water Resources  
Eastern Region

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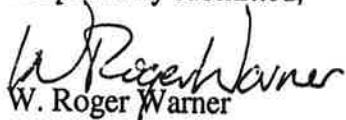
JUN 28 2005

water rights.

A second matter, in the materials that were returned to us, a note was attached to water right claim no. 29-2048 indicating that you would like to retain this water right. Unfortunately, this water right was not claimed in the prior adjudication of the Union Grain and Elevator Decree (circa 1930) and is therefore NOT considered valid.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,



W. Roger Warner  
Adjudication Specialist

Enclosure(s) 1987/1988 color infrared layout of Water Right 29-131, 29-133,  
29-2449, & 29-2048., and  
Change of Ownership form.

PROFILED

SCANNED  
JUN 28 2005

SCANNED

JUN 28 2005

NOTICE OF ERROR  
REPLY

02/13/2003

Roger  
RECEIVED  
APR 28 2003  
Department of Water Resources  
Eastern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

RIVER Water right number: 29-131  
DONNA RAE MABEY  
387 E 450 S  
CLEARFIELD UT 84015

NEW ADDRESS  
DONNA RAE MABEY  
1178 W. SHASHAS AVE  
RIVERTON, UT 84065

NEW OWNER  
LANNY B. HOLBROOK  
2181 W. 1780 S.  
SYRACUSE, UT 84075

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

PHONE 801-825731

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4-19-03

SIGNATURE:

Lanny B. Holbrook

Please print your name:

LANNY B. HOLBROOK

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

BY CHECKING THE I AGREE ☒, I DO NOT HAVE KNOWLEDGE ON THE SUBJECT I AM A NEW PROPERTY OWNER ASSOCIATED WITH THESE WATER RIGHTS AS OF MARCH 1ST OF 2002. I AM IN THE PROCESS OF CHANGING WATER RIGHT OWNERSHIP BUT DWR FOUND A PROBLEM WITH PROPERTY DEED DESCRIPTION AND THE ATTORNEY IS RE-DOING THE IT. I PURCHASED PROPERTY FROM THE MABEY'S. I HAVE TALKED TO THE MABEY'S AND STAN WISTISEN FROM BANCROFT, ID, THE RENTOR OF THE FARM; THEY BOTH HAD CONCERNS THAT USERS BELOW HAVE SUPERIOR RIGHTS AND PADLOCK THE WATER GATE PREVENTING NO FURTHER USE OF WATER FROM PEBBLE CREEK SOMETIMES VERY EARLY IN THE YEAR. WHERE DO THEY GET THEIR CONTROL FROM? WHAT CRITERIA DO THEY USE TO DETERMINE WHEN THE WATER IS SHUT OFF. I WOULD LIKE TO KNOW HOW MUCH EARLIER THEIR WATER RIGHT IS? IS IT ONE DAY, ONE YEAR? I HEARD THAT A JUDGE YEARS AGO MADE A BIASED DECISION PROTECTING HIS OWN INTEREST DOWN STREAM IN ARIMO. WE BOTH KNOW HOW IMPORTANT WATER IS. PEOPLE WILL STEAL AND EVEN KILL FOR IT. IF THE WATER RIGHTS ARE JUST DADS APART BACK IN 1902, THE WATER RIGHTS SHOULD BE GIVEN BETTER OR EQUAL TREATMENT.

I AM AGREEING, WITH THE QUALIFICATION THAT AS FAR AS I KNOW WHAT I AM SIGNING IS CORRECT. I BELIEVE WHAT YOU ARE TRYING TO DO IS FOR A GOOD REASON AND YOU HAVE OUR INTERESTS IN MIND.

Lanny Holbrook

12/11/2002

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-131  
NAME AND ADDRESS: DONNA RAE MABEY  
387 E 450 S  
CLEARFIELD UT 84015  
SOURCE: PEBBLE CREEK TRIBUTARY: PORTNEUF RIVER  
QUANTITY: 3.170 CFS  
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION  
RATE OF 3.87 CFS. COMBINED RIGHT NOS.: 29-131, 29-133, AND 29-2449.

PRIORITY DATE: 06/25/1902

POINT OF DIVERSION:

T08S R38E S8 SESE Within CARIBOU County  
T08S R38E S9 NESW Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|
| IRRIGATION                                                                                                                                                                                                                                                                                                                                                                                                                                                | 04/15 09/15          | 3.170 CFS       |
| THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY<br>AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER<br>ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL<br>15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL<br>WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE<br>AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED<br>FOR THIS RIGHT. |                      |                 |

PLACE OF USE:

IRRIGATION Within CARIBOU County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T08S R38E S03 | NWSW | 6.6  | T08S R38E S03 | SWSW | 18.0 |
| T08S R38E S04 | NESE | 40.0 | T08S R38E S04 | SWSE | 39.0 |
| T08S R38E S04 | SESE | 40.0 | T08S R38E S09 | NWNE | 19.0 |

162.6 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 162.6 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 29-131, 29-133, AND 29-2449.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 158.5 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 24, 2002

A29-131, A29-133, A29-2048, A29-2449

Donna Rae Mabey  
387 East 450 South  
Clearfield, UT 84015

REF: Snake River Basin Adjudication (SRBA)

SUBJECT: CRP Contract

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** has been filed in the Snake River Basin Adjudication (SRBA).

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. A field examination to verify items in the Notice will be conducted by Department personnel as soon as the weather permits. I was able to visit some of you this year before the snow arrived. While waiting for the weather to cooperate again I would like to collect some of the necessary documentation needed to recommend your claim to the SRBA court. The statute (42-104) requires the water be put to beneficial use to have a valid water right. One exception to the statute is if the land has been put into CRP. But evidence must be submitted to the Department of Water Resources to retain the water right otherwise the water right will not be recommended to the SRBA court.

If you have previously irrigated land that has been put into CRP, I would appreciate it if you could send me a copy of the contract when the land was put into CRP for my records, **by March 1, 2002. If you do not have any land in CRP please disregard this notice.** With no response from you, we will assume that you do not have any land in CRP. You may contact either the Farm Service Agency (FSA) or Natural Resource Conservation Service (NRCS) in Soda Springs at 547-4396 for a copy of the contract.

RECEIVED

SEARCHED  
JUN 28 2005

Please feel free to contact me in Soda at (208) 547-3993 if you have any additional questions.

Sincerely;

*Cindy E. Bird*

Cindy E. Bird  
Adjudication Bureau

SCANNED  
JUN 28 2005

PROCESSED

29 0129

96. WHITWORTH, JOHN T. ✓  
1902 June 17. .40 c.f.s.

Said water to be diverted through the Whitworth Ditch which diverts from Smith Creek in the Northeast quarter of the Southwest quarter, Section 11, Township 7 South, Range 38 East. From the West quarter corner of Section 11, Township 7 South, Range 38 East, the point of diversion bears South 73 degrees and 35 minutes East, 1998 feet, for domestic purposes and for the irrigation of 20 acres of land in the Southeast quarter of the Northeast quarter, Section 11, Township 7 South, Range 38 East.

PEBBLE CREEK TRIBUTARY TO THE PORTNEUF RIVER

29 0130 ✓

97 DENTON, ELIZABETH KINPORT  
1902 June 17 3.1 c. f.s.

Said water to be diverted through three ditches, one having intake North 40 degrees West, 1668 feet from South quarter corner, Section 9, Township 8 South, Range 38, E. B. M.; another having its intake North 58 degrees 45 minutes West, 1685 feet from East quarter corner, Section 9, Township 8 South, Range 38, E.B.M.; and another having its intake North 20 degrees West, 1650 feet, from South quarter corner of Section 9, Township 8 South, Range 38, E.B.M., for the irrigation of the East half of the Northeast quarter, Section 9; the West half of the Northwest quarter, Section 10, Township 8 South, Range 38 E.B.M.

29 0131 ✓

98. CORBETT, JOSEPH E.  
1902 June 25 3.17 c.f.s.

Said water to be diverted through a ditch having intake North 16 degrees 35 minutes West, 671 feet, from the Southwest corner of Section 9, Township 8 South, Range 38 East B. M., and also through another ditch having intake 40 degrees West, 1688 feet, from the Southwest corner of Southeast quarter of said Section 9, Township 8 South, Range 38 E.B.M., for the irrigation of the East half of the Southeast quarter, and the Southwest quarter of the Southeast quarter of Section 4, and the Northwest quarter of the Northeast quarter, Section 9, Township 8 South, Range 38 E.B.M.

29 0132 ✓

99. E. F. SHORE,  
Successor to  
BUCKENDORF, JAMES  
1902 June 25

3. c. f. s.

Said water to be diverted through a ditch having intake North 40 degrees West 1688 feet from the Southwest corner of the Southeast quarter of Section 9, Township 8 South, Range 38 E.B.M.; and also through another ditch having intake North 27 degrees 15 minutes West 1531 feet from the Southwest corner of the Southeast quarter of Section 9, Township 8 South, Range 38 E. B. M.; and also through another ditch having intake in the Northeast quarter of the Southwest quarter of said Section 9, for the irrigation of the Southwest quarter of the Northeast quarter; the North half of the Southeast quarter, the South half of the Southeast quarter of Section 9, and

PROFILED

RECORDED

SCANNED

JUN 28 2005

MAY 15 1995

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-131

WATER RIGHT NUMBER: 29-131

|                   |                         |
|-------------------|-------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner     | JOSEPH E CORBETT        |
|                   | , ZZ                    |

Priority Date: 06/25/1902

Basis: Decreed

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| PEBBLE CREEK  | PORTNEUF RIVER   |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 4/15 to 9/15            | 3.170 CFS             |                      |
|                       | <u>Total Diversion:</u> | 3.170 CFS             |                      |

Location of Point(s) of Diversion

|                |            |         |          |               |
|----------------|------------|---------|----------|---------------|
| PEBBLE CREEK   | SE1/4SW1/4 | Sec. 9, | Twp 08S, | Rge 38E, B.M. |
| CARIBOU County |            |         |          |               |
| PEBBLE CREEK   | SE1/4SE1/4 | Sec. 8, | Twp 08S, | Rge 38E, B.M. |
| CARIBOU County |            |         |          |               |

Place of UseIRRIGATION Within CARIBOU County

|                |      |               |      |
|----------------|------|---------------|------|
| T08S R38E S04  | NESE | T08S R38E S04 | SWSE |
| T08S R38E S04  | SESE | T08S R38E S09 | NWNE |
| Total Acres: 0 |      |               |      |

Conditions of Approval:Remarks:

1. General P/U INCOMPLETE.^^

Comments:Dates and Other Information:

MAY - 4 2001

Log for claim A29-00131

Spatial Dynamics BTD

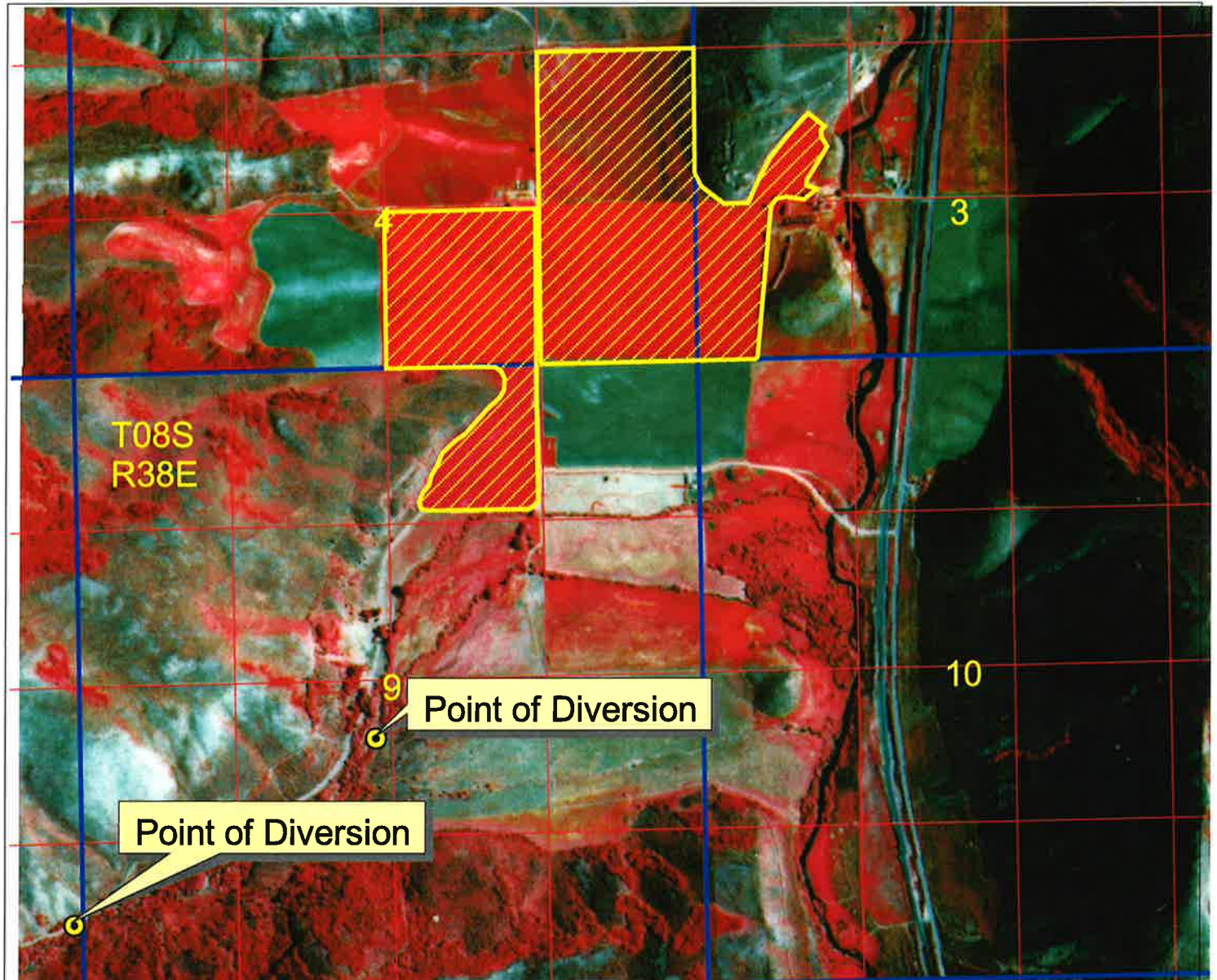
6/8/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT       |
|----------------|-----|------|------------------|----------------|---------------|
| 08s38e         | 3   | NWSW | 7                | 6.3            | Indiscernible |
| 08s38e         | 3   | SWSW | 36               | 40             | Indiscernible |
| 08s38e         | 4   | NESE | 38               | 38             |               |
| 08s38e         | 4   | SWSE | 38               | 39             |               |
| 08s38e         | 4   | SESE | 39               | 40             |               |
| 08s38e         | 9   | NWNE | 40               | 37             |               |
| <b>Totals:</b> |     |      | 198              | 200.3          |               |



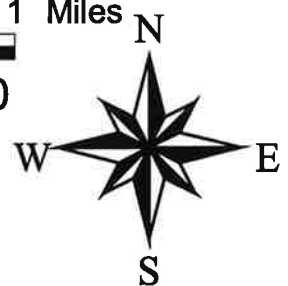
State of Idaho  
Department of Water Resources  
Eastern Region

WR 29-131 and 29-133



0.5 0 0.5 1 Miles

1:16000



- Point(s) of Diversion
- ▨ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines

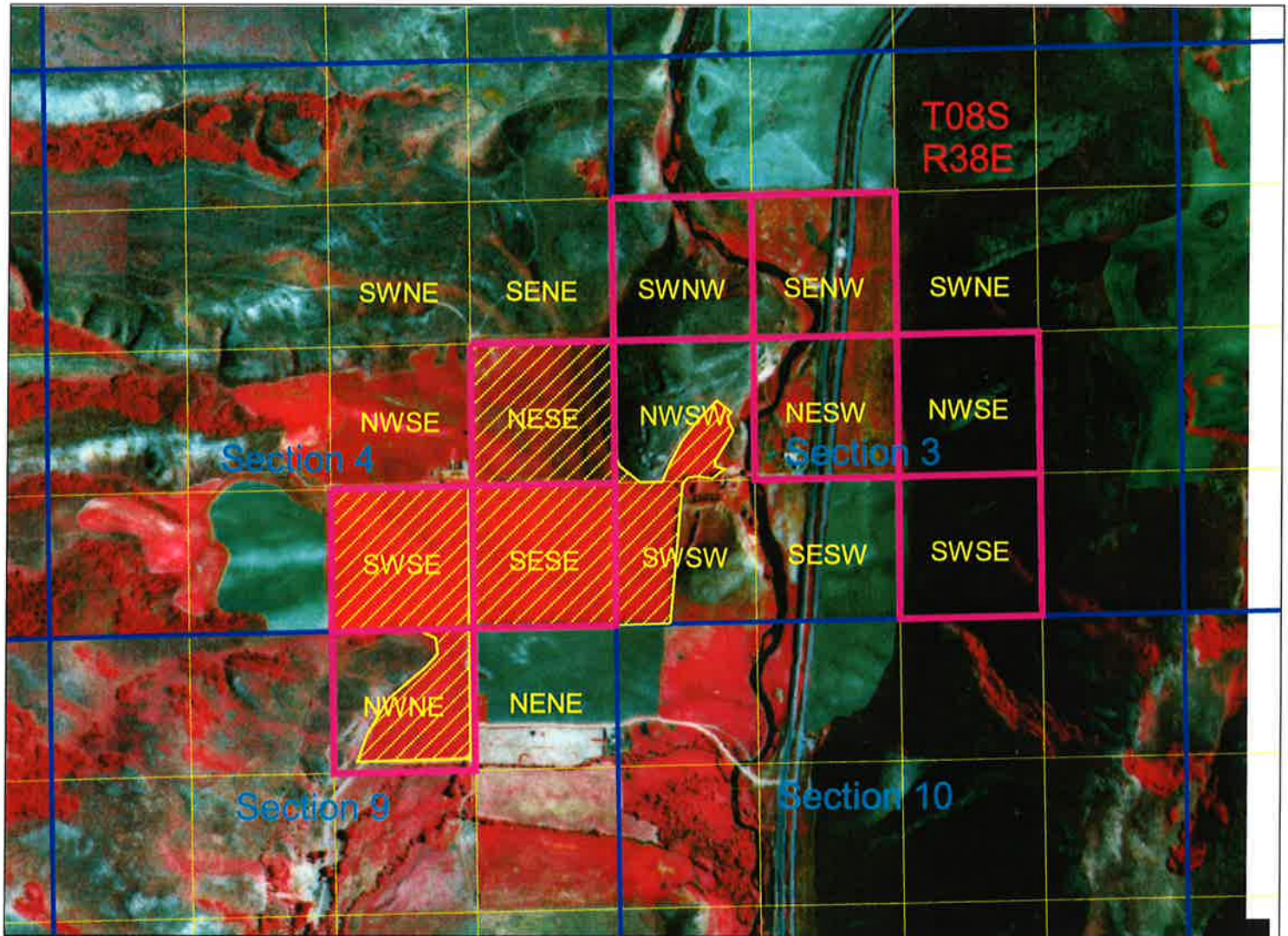
SCANNED  
JUN 28 2005

PROTECTED

GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: R. Warner  
Date: October 2002

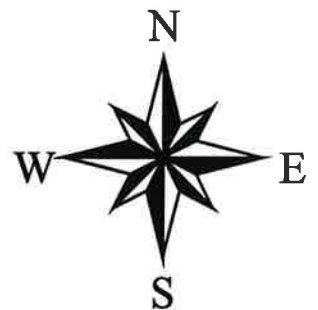


State of Idaho  
Department of Water Resources  
Eastern Region  
Claim Nos.: 29-131, 29-133,  
29-2449, & 29-2048.



0.3 0 0.3 0.6 Miles

Irrigated Acres = 162.6



- Theme18.shp
- Theme17.shp
- Sections
- QQ

(Areas shown in Warranty Deed)  
Land list  
SCANNED  
(Areas covered by referenced)  
JUN 28 2005

GIS Place of Use Illustration  
1987/88 NAPP PHOTOGRAPHY  
Prepared by R. Warner  
Date: April, 2003

AJ5809NP  
No. A29-00131

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00  
PAGE: 34

| 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 | 06/25/1902       | IRRIGATION | 04-15 09-15           | 3.170 CFS         |                     |
| TOTAL DIVERSION:<br>CONSUMPTIVE USE: |                                                       |                  |            |                       | 3.170 CFS         | 495.00 AFA          |

Water Source: PEBBLE CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T08S R38E S08 SESE  
S09 NESW

CARIBOU County  
CARIBOU County

Place of use Legal Description for: IRRIGATION

|             |     |   |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |       |       |
|-------------|-----|---|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|-------|-------|
| T           | R   | S | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | :     | SUM   |
|             |     |   |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |       |       |
| 08S         | 38E | 3 | : |      |      |      |      | :  |      |      |      |      | : |      |      | 07   | 36   | : |      |      |      |      | :     | 43.0  |
| 08S         | 38E | 4 | : |      |      |      |      | :  |      |      |      |      | : |      |      |      |      | : | 38   |      | 38   | 39   | :     | 115.0 |
| 08S         | 38E | 9 | : |      |      | 40   |      | :  |      |      |      |      | : |      |      |      |      | : |      |      |      |      | :     | 40.0  |
| TOTAL ACRES |     |   |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      | 198.0 |       |

POU County: CARIBOU

Other Rights: A29-00133/02048/02449.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
29-12340 A29-00132 A29-00133 A29-00134 A29-00137 A29-02036 A29-02047 A29-02048 A29-02102

Other Water Rights Listing Overlapping Place(s) of Use:  
A29-00133 A29-02048 A29-02449

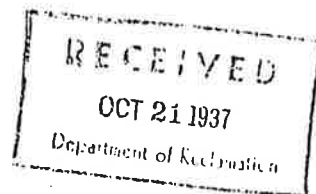
Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 29 Field Inspection Flag:  
Presumption Flag:

Audit: 01/24/90 MOBILE3 04/04/94 THOMPSON 03/29/95 POST-STD

29-0131

Corrected Copy



568.

Revised & Coded  
HWJ 1985

DECREE

Union Grain & Elev.

VS.

McCammern Ditch, et al.

29781

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF  
BANNOCK

UNION GRAIN & ELEVATOR COMPANY, a corporation

Plaintiff,

-VS-

McCammon Ditch Co., a corporation, Defendants

McCammon Ditch Company, a corporation; Portneuf Irrigating Company, a corporation; Sunnyside Ditch Company, a corporation; Topaz Irrigation Company, a corporation; Dempsey Irrigation Company, a corporation; Toponce Canal Company, Limited, a corporation; Portneuf-Marsh Valley Canal Company, Limited, a corporation; Portneuf Marsh Valley Irrigation Company, a corporation; Oregon Short Line Railroad Company, a corporation; Elizabeth Kinport, Administratrix of the estate of Harry B. Kinport, deceased; George Goodenough, William Lewis, Edward Murphy, C. C. Peoples, Charles West, A. J. Knollin, W. A. Hibner, Andrew Cutler, W. A. Barron, George Romriell, Frank Warner, John Symons, Joseph Simons, S. J. Palmer, W. W. Cooper, John Hall, Roe White, Willard Bell, Patrick Bell, J. F. Dunn, Charles J. McGuinn, Leslie Gillett, and Fish Creek Irrigating Company, a co-partnership composed of John Hall, Charles J. McGuinn, Frank C. Potter, J. F. Dunn and J. A. Eldredge,

Defendants.

The following parties were upon application of the attorneys for the plaintiff, by reason of the statute in such cases made and provided, afterwards brought in as parties defendant in order that a complete determination of the controversy could be had, to-wit:

Roy Faulkner, Kepler Sessions, Thomas J. Nipper, Stephen Grimm, George John, Emmel Byington, Frank Reed, Smith Ranch (Donald Monson and R. Monson), Charles Byington, James Byington, Noah Reese, Tom Hallinan, George A. Whitworth, J. T. Gittens, George Lewis, Joseph Cutler, Thomas E. Orgill, John Gooch, Fred Johnson, Ira Call, C. V. Call, Chris Call, Carl Loveland, Josiah Loveland, David Butterfield, Andrew Butterfield, Osmond Call, Earl Holbrook, Chester Call Estate (Sarah Call, Administratrix), Arthur Naylor, Byrant Perkins, Parley Jensen, Forest Cornelison, West Side Canal Co., a corporation, I. E. Thompson, Ben D. Jensen, George Brangham, Jas. A. Eldredge, John Gooch, Robert Redford, Alma Hogan, Joseph Purvis, Dave Butterfield, Thomas J. Nipper, Thomas J. Nipper, M. Whitworth, John Whitworth, Neal Williams, J. Buckindorf, J. F. Corbett, Peter Zadron, Joseph Smith, Earl Moss, E. J. Dolbeer, Hall City Ditch, a co-partnership composed of C. J. McGuinn, Rebecca Warner, A. W. Hall, John Hall Estate, Thomas F. Terrell, Mrs. J. G. Bristol, Lesli Sharp, Lew White, Leslie Bowden, James Kofoed, David Aslett, James C. Allen, Mrs. Anna Norton, Lee Merrick, Rebecca Warner, John Potter, George Harrison, A. M. Boyce, J. H. Maughn, G. H. Maughn, F. D. Fagnent, Nephi Hemmingway, F. V. Briscoe, Clarence Avery, John N. Avery, John Byington, W. R. Godfrey, Alonzo Avery, Jesse Avery, J. M. Jensen, W. Leo Jensen, Claud Jensen, Arthur Roswell, H. A. Weddell, Ray Bloxum, Charles Strom, Joseph Bell, Herbert Byington, John Ramsey, H. K. Ward, C. F. Potter, Adrian Campbell, Ira Byington, Alfred Baker, Charley Bell, Ernest Byington, D. A. Monroe Martin, O. K. Exum, A. A. Kofoed, Tom Harper, Brady Stolpe, Spencer Godfrey, A. B. Cheney, Bert Lish, Archie Lish, James Higgins, John M. Fairchilds, Foster, Edward Wilmore, Edgar Beebe, James T. Benson, Arthur Fopront, Ray Kedley, James Roddy, George Chapman, D. K. Merrick, L. S. Wight, Leo

Hansen, Reuben Hansen, Nephi Liljenquist, H. Hawken, R. L. Redford, Earl Lloyd, Daniel Lloyd, Nels Hogan, Alma Hogan, William Higginson, Robert Higginson, George Higginson, Thomas Hatch, Margaret Hatch, Administratrix estate of R. Hatch, Donald Monson, Charles Miles, Chesterfield Reservoir & Canal Company, a corporation.

#### J U D G M E N T

This Cause came on regularly for trial on the 26th day of September, 1931, before the Honorable John C. Rice, Judge of the Seventh Judicial District of the State of Idaho, presiding as Judge of the above entitled court, sitting without a jury, a jury having been expressly waived by the respective parties.

And the court having previously fixed the time and place for the hearing of the cause, and having caused the Clerk of the court to give notice in writing to the attorneys of record for all the parties to said action prior to the date set for the hearing of the same;

Messrs. Standrod & Standrod appeared on behalf of the plaintiff, Union Grain and Elevator Company, a corporation;

Messrs. Merrill & Merrill appeared on behalf of the following defendants and cross complainants, and their successors in interest, to-wit: A. J. Butterfield, Joseph Purvis and William F. Purvis (sometimes spoken of as Purvis Brothers), J. A. Eldredge, Joseph E. Corbett, J. Fred Corbett, E. F. Shore (successor to James Buckindorf), J. Bellu and O. Moriotto, Commodore Earl Moss, Earl D. Houtz, Thomas Hallinan, John W. Symons, George John, George A. Whitworth, F. A. Reed, James H. Byington, William R. Godfrey, A. A. Rowsell, Walter Rowsell, S. A. Rowsell and J. A. Rowsell, John Potter, M. Lucinda Byington, George Harrison, John N. Avery, Clarence Avery, J. A. Avery, Lee Merrick, Nephi Hemenway, George Harrison Maughan and John Raymond Maughan, George Harrison Maughan, John Raymond Maughan and Joseph Howard Maughan, First National Bank of Ogden, Charles Romriell, Archie Lish, A. B. Cheney, Ray Lish and Lester Romriell, Albert Lish, Village of McCammon, Idaho, Ameziah Henson, Brogham R. Green and Orson D. Robbins, Royal T. Hale, Samuel Orgill, G. H. Romriell, Portneuf Irrigating Company, a corporation, McCammon Ditch Company, a corporation;

Messrs. Black & Baum and Messrs. Merrill & Merrill appeared on behalf of the following defendants and cross complainants, to-wit: Portneuf Marsh Valley Canal Company, a corporation; Dempsey Irrigating Company, a corporation; Topaz Irrigation Company, a corporation; McCammon Ditch Company, a corporation; Fish Creek Irrigation Company, a corporation;

Messrs. Black & Baum appeared on behalf of the defendant, George Goodenough;

H. B. Thompson, Esq., appeared on behalf of the Oregon Short Line Railroad Company, a corporation;

Jones, Pomeroy & Jones appeared on behalf of the defendant and cross complainant, Noah Reese; and

Isaac McDougall, Esq., also appeared on behalf of the defendant, Portneuf Marsh Valley Canal Company, a corporation;

There being no further appearance either in person or by attorneys;

Thereupon witnesses were sworn and examined on behalf of the plaintiff and defendants herein, and documentary evidence was offered and received by and on behalf of the respective parties, and the testimony

closed. Arguments were submitted by the respective counsel and the cause was finally submitted to the court for its decision, and the court having duly considered all testimony, the arguments of counsel and being fully advised in the premises, has made and adopted its Findings of Fact and Conclusions of Law, and order judgment to be entered in accordance therewith.

29-0008 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED: That the Union Grain & Elevator Company, the plaintiff is entitled to and that it have at all times during each and every year hereafter, the right to use and the use continuously of fifty-eight and twenty-seven hundredths (58.27) cubic feet per second of time of the waters of the said Portneuf River hereinafter described for the purpose of producing and generating power to operate its flour mill known as the McCammon Mill situated as hereinafter more fully described, and the machinery and elevators therein and connected therewith, and for the purpose of generating electricity to light the said mill and mill premises, its right to the use of said waters to date from the 1st day of July, 1892; the said waters to be diverted through the canal, conduit, mill race or flume conveying the said water from the said Portneuf River to the penstock and water wheel whereby the power for running the machinery and elevators and for generating electricity is produced, the said diversion of said water being from a point on the west bank of the said Portneuf River in the Northwest quarter of Section twelve (12), Township nine (9) South, Range 36 E.B.M., from the Northwest quarter of Section twelve (12), township and range aforesaid, the point of diversion bears South fifty-three (53) degrees East, twenty-eight hundred ninety (2890) feet. The said mill being situated on the following described lands:

Commencing at corner number one, from which the closing corner of the line between sections one and twelve in Township nine (9), South of Range thirty-six (36) East of Boise Meridian in Idaho, lies north twenty-seven degrees and thirty minutes west, eleven hundred and fifty-six (1156) feet (on the left bank of Portneuf River); thence run South sixty-four degrees and forty-five minutes west, sixty-seven and one-half (67 1/2) feet, to corner number two; thence South, Twenty-two degrees and thirty minutes east, forty-seven and one-half (47 1/2) feet to corner number three; thence south sixty-seven degrees and thirty minutes west, fifty-six and one-half (56 1/2) feet to corner number four; thence South nine degrees and forty-five minutes west, twenty-five (25) feet to corner number five; thence South, twenty-two degrees and thirty minutes east, two hundred and twenty (220) feet, to corner number six; thence North sixty-seven degrees and thirty minutes East, two hundred fourteen and one-tenth (214.1) feet to corner number seven; thence North thirty-seven degrees and thirty minutes West, three hundred and one and eighty-one one-hundredths (301.81) feet to the place of commencing, containing in all one acre more or less.

29-0009 That the said Plaintiff, the Union Grain & Elevator Company, have at all times during the irrigation season, the use of .14 cubic feet per second of time of the waters of said Portneuf River, its right to the use of the same to date from the 1st day of July, 1902, which said waters shall be used upon and become appurtenant to the land owned by said plaintiff in Lot 1, Section 12, Township 9 South, Range 36 E.B.M., the said waters to be diverted through what is known as the Lewis-Goodenough Ditch diverting from the Portneuf River on the North bank in Lot one (1), Section twelve (12), Township nine (9) South, Range 36 E.B.M.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That the following named persons and corporations, defendants and cross-complainants in this action, have the right to the use of the waters of the said Portneuf River, and the tributaries thereof, and springs, the sources of

29781

5129  
86. WHITWORTH, JOHN T.  
1902 June 17.

.40 c.f.s.

Said water to be diverted through the Whitworth Ditch which diverts from Smith Creek in the Northeast quarter of the Southwest quarter, Section 11, Township 7 South, Range 38 East. From the West quarter corner of Section 11, Township 7 South, Range 38 East, the point of diversion bears South 73 degrees and 35 minutes East, 1998 feet, for domestic purposes and for the irrigation of 20 acres of land in the Southeast quarter of the Northeast quarter, Section 11, Township 7 South, Range 38 East.

PEBBLE CREEK TRIBUTARY TO THE PORTNEUF RIVER

29-0130

97. DENTON, ELIZABETH KINPORT  
1902 June 17

3.1 c.f.s.

Said water to be diverted through three ditches, one having intake North 40 degrees West, 1668 feet from South quarter corner, Section 9, Township 8 South, Range 38, E.B.M.; another having its intake North 58 degrees 45 minutes West, 1685 feet from East quarter corner, Section 9, Township 8 South, Range 38, E.B.M.; and another having its intake North 20 degrees West, 1650 feet, from South quarter corner of Section 9, Township 8 South, Range 38, E.B.M., for the irrigation of the East half of the Northeast quarter, Section 9; the West half of the Northwest quarter, Section 10, Township 8 South, Range 38 E.B.M.

29-0131

98. CORBETT, JOSEPH E.  
1902 June 25

3.17 c.f.s.

Said water to be diverted through a ditch having intake North 16 degrees 35 minutes West, 671 feet, from the Southwest corner of Section 9, Township 8 South, Range 38 East B.M., and also through another ditch having intake 40 degrees West, 1688 feet, from the Southwest corner of Southeast quarter of said Section 9, Township 8 South, Range 38 E.B.M., for the irrigation of the East half of the Southeast quarter, and the Southwest quarter of the Southeast quarter of Section 4, and the Northwest quarter of the Northeast quarter, Section 9, Township 8 South, Range 38 E.B.M.

29-0132

99. E. F. SHORE,  
Successor to  
BUCKENDORF, JAMES  
1902 June 25

3 c.f.s.

Said water to be diverted through a ditch having intake North 40 degrees West 1688 feet from the Southwest corner of the Southeast quarter of Section 9, Township 8 South, Range 38 E.B.M.; and also through another ditch having intake North 27 degrees 15 minutes West 1531 feet from the Southwest corner of the Southeast quarter of Section 9, Township 8 South, Range 38 E.B.M.; and also through another ditch having intake in the Northeast quarter of the Southwest quarter of said Section 9, for the irrigation of the Southwest quarter of the Northeast quarter; the North half of the Southeast quarter, the South half of the Southeast quarter of Section 9, and

29781

JOE WILLEY CREEK, TRIBUTARY TO TWENTY FOUR MILE CREEK.

CALL DITCH NO. 21, Diverts from Joe Willey Creek in the Southeast quarter of the Northeast quarter, Section 27, Township 6 South, Range 39 East. From the East quarter corner of Section 27, the point of diversion bears North 53 degrees and 25 minutes West, 952 feet.

CALL DITCH NO. 2, diverts from Joe Willey Creek in the Southwest quarter of the Southwest quarter, Section 27, Township 6 South, Range 39 East. From the Southwest corner of Section 27, the point of diversion bears North 61 degrees and 15 minutes East, 1210 feet.

24-0225 161. CALL, OSMOND  
1883 May 1. .75 c.f.s.  
(37.5 inches)

Said water to be diverted through the said Call Ditch No. 1, and Call Ditch No. 2, last above described, for the irrigation of 75 acres of land in the West half of the Southeast quarter, and the Southeast quarter, and the Southeast quarter of the Southwest quarter, Section 27, Township 6 South, Range 39 East.

29-0226 162. HOLBROOK, JONATHAN  
1883 May 1. .19 c.f.s.  
(9.4 inches)

Said water to be diverted through the said Call Ditch No. 1 and Call Ditch No. 2, last above described, for the irrigation of 9 3/8 acres of land in the Southeast quarter of the Northeast quarter, Section 33, Township 6, South, Range 39 East.

29-0227 163. CORNELISON, FORREST L.  
1883 May 1. .06 c.f.s.  
(3.1 inches)

Said water to be diverted through the said Call Ditch No. 1, and Call Ditch No 2, last above described, for the irrigation of 3 1/8 acres of land in the Northeast quarter of the Northeast quarter, Section 33, Township 6 South, Range 39 East.

The Court having found that 18-Mile Creek and Mose Canyon Creek are not tributaries to the Portneuf River,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That the following named persons so far as their rights to the waters of said Creeks are concerned, be dismissed from this action, to-wit:

Frank Butterfield, Robert L. Redford, Alma Hogan, E. A. Madison, Margarette Hatch, Adminsitatrix of the Estate of Ramson Hatch, Deceased, Nels Hogan, William Higginson, and Thomas Hatch.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That Sarah Harkness, Ernest Byington, John Byington, Charles Mills, Robert Redford, Charles Byington, C. F. Potter, Leslie Sharp, James Higgins, James Roddy, Alfred Baker, Chas. Bell, John Ramsey, Jesse Avery, A. M. Boyce, Ray Bloxum, Mrs. N. Norton, Joseph Bell, Arthur Naylor, E. J. Dolbeer, H. A. Weddell, Stephen Grimm and Will Bowers, have no right, title, interest or claim in or to any of the waters of the Portneuf River, or its tributaries and sources, and the parties and each of them, their agents, servants, attorneys, successors in interest and assigns, are perpetually enjoined from diverting or using any of the water of the Portneuf River, or its tributaries and sources.

No costs or disbursements are allowed to any of the parties to this action, but each shall pay his, her or its own costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That when the natural flow of the streams, the water of which is awarded by this decree, is not sufficient to furnish all parties claiming water therefrom with the full

more than 30 cubic feet per second, automatic measuring and registering devices shall be installed and shall at all times be subject to the inspection of any party to this action, or to any public officials or water masters having jurisdiction over the distribution and diversion of water, and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works, provided with such headgates, control works and measuring devices, except as in this judgment provided; and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the said portneuf River, or its tributaries or sources any water through any ditch, conduit, or other devices not provided with such headgates, control works and measuring device; provided, that in case of diversions through pipes for power purposes or otherwise, measuring devices may be dispensed with where the quantity of water diverted may be otherwise determined by other means of calculation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the persons and corporations herein mentioned to whom rights are decreed, are the persons and corporations owning and having such rights as of date of the original decree herein, to-wit: of the 29th day of June, 1921, and that any assignees, grantees, heirs, devisees, and successors in interest of such parties, shall be deemed to have been substituted as parties to this action, and this decree shall establish the rights of such assignees, grantees, heirs, devisees and successors in interest the same as if they were named herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That this Court retain jurisdiction of this cause for one year from the date of the signing of this decree for the following purposes:

1. To make corrections for clerical errors, inadvertances and omissions in the rights decreed.
2. To review and amend the provisions of this judgment fixing, if necessary, the limits of the irrigation season, and further reducing the amount of water which may be shown during actual operation of the River, its tributaries and sources, to be in excess of the amount actually necessary for the successful production of crops.

Done in open District Court, this, the 6th day of August, 1932.

John C. Rice  
DISTRICT JUDGE.

FILED  
Grace L. Hall  
Clerk, Auditor & Recorder  
Bannock County, Idaho  
Anna Keefe, Dep  
Aug 8 1932 3 45 PM  
Book 11 of Judgments, page 202.

STATE OF IDAHO, }  
County of Bannock } ss.

I, ANNA KEEFFE, Clerk of the District Court, Ex-Officio Auditor and Recorder in and for said County and State, hereby certify that the above and foregoing is a full, true and correct copy of the original DECREE File No. 2203

UNION GRAIN & ELEVATOR COMPANY, a corporation, Plaintiff,  
vs  
McCammon Ditch Co., a corporation, Defendants.

as the same appears of record or on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at  
Pocatello, Idaho, this 20th day of October, 1937

By \_\_\_\_\_  
Deputy

*Anna Keefe*  
Clerk, District Court, Ex-Officio Auditor and Recorder

29781

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 3820APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of applicant Donna Rae Mabey Phone (801) 825-2114  
Post Office address 387 E. 450 S. Clearfield, UT 84015

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☒ Other Exchange of Rights
2. Describe the reason for the proposed changes It is more efficient to gravity flow our Pebble Creek water to the sprinklers than to pump our well water uphill. I intend to pump the well into the Portneuf River while continuing my use of Pebble Creek water after June 25, 1902 priorities are cut off.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number  | Priority          | Amount (cfs/ac-ft)            | Nature of Use     | Period of Use        |
|------------------|-------------------|-------------------------------|-------------------|----------------------|
| <u>A29-00131</u> | <u>6-25-1902</u>  | <u><del>3.17</del> 2.59 *</u> | <u>Irrigation</u> | <u>4-15 to 9-15</u>  |
| <u>29-02449</u>  | <u>11-03-1961</u> | <u>2.22</u>                   | <u>Irrigation</u> | <u>4-01 to 10-31</u> |
- \* right 29-00131 will be reduced to 2.22 cfs. This will reflect the exchange. to \_\_\_\_\_  
The exchange may only take place during the decreed irrigation season of 4-15 to 9-15.
2. Total amount of water being <sup>Exchanged</sup> ~~transferred~~ 2.22 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Groundwater & Pebble Creek tributary to \_\_\_\_\_
4. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|---|----|----|------|------|------|---------|--------------------------|
|     |   | SE | SE | 8    | 8S   | 38E  | Caribou |                          |
|     |   |    |    |      |      |      |         |                          |
|     |   |    |    |      |      |      |         |                          |
|     |   |    |    |      |      |      |         |                          |

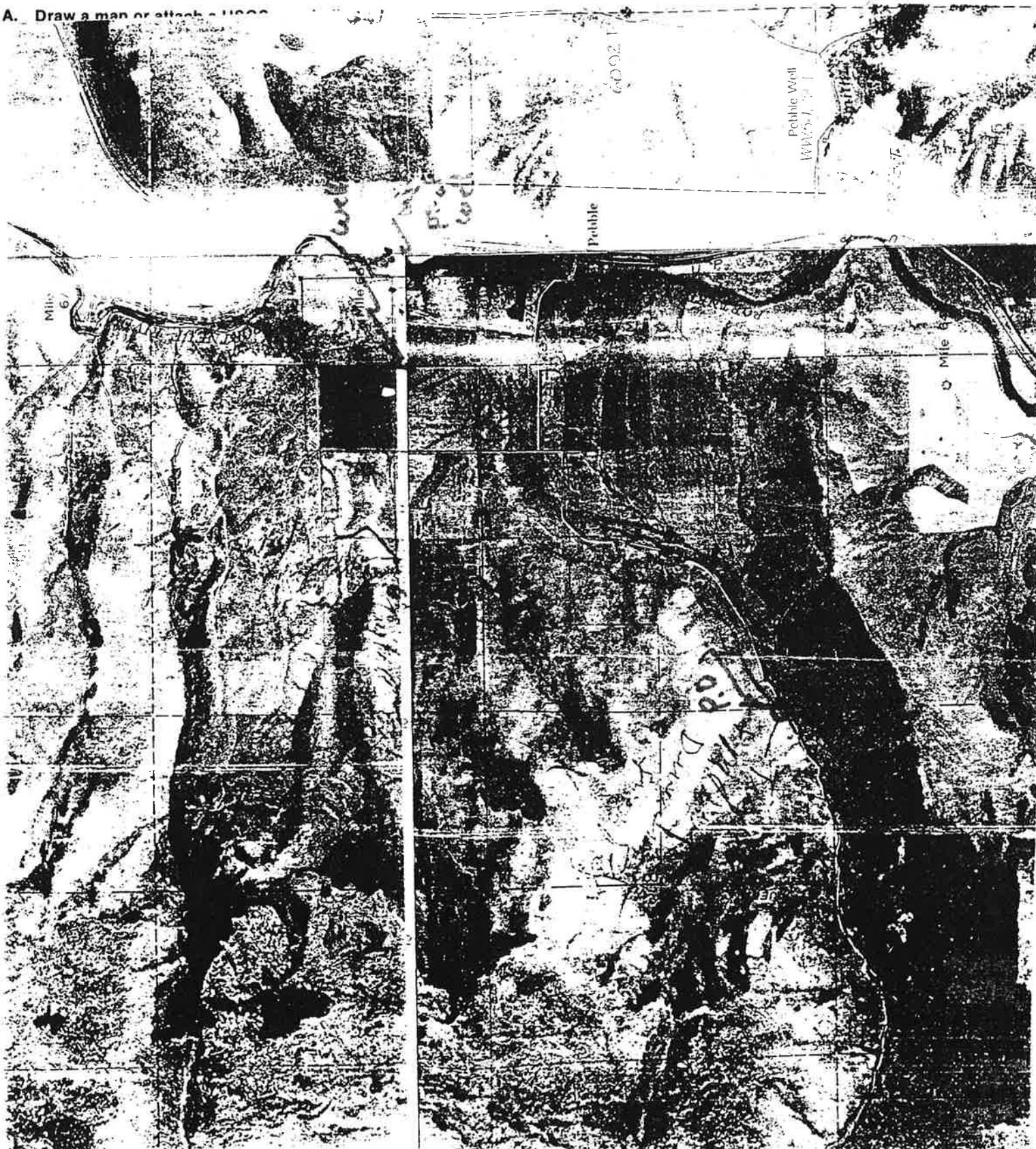
## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 8S   | 38E  | 3    |      |      |      |      |      |      |      |      |      | 7    |      |      |      |      |      |      | 7      |
|      |      | 4    |      |      |      |      |      |      |      |      |      |      |      |      | 38   |      | 38   | 39   | 115    |
|      |      | 9    |      |      | 40   |      |      |      |      |      |      |      |      |      |      |      |      |      | 40     |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 162

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

A. Draw a map or attach a map



SCALE: 2 inches equal 1 mile. Draw plan in ink.

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**1. DESCRIPTION OF RIGHT AS RECORDED**

**1. Right evidenced by:**

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_

b. License No. 29-02449 issued by the Idaho Department of Water Resources.

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.

d. Transfer No. \_\_\_\_\_ which produced this right.

**2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:**

☒ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date or priority 11-03-1961

**5. Water is used for the following purpose:**

amount 2.22 cfs for Irrigation purposes from 4-01 to 10-31  
(cfs/ac-ft) \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft) \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft) \_\_\_\_\_

3. Total amount of water under right 2.22 cubic feet per second and/or 474 acre-feet per annum.

**7. Point(s) of Diversion:**

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|---|----|----|------|------|------|---------|--------------------------|
|     |   | SW | SW | 3    | 8S   | 38E  | Caribou |                          |
|     |   |    |    |      |      |      |         |                          |
|     |   |    |    |      |      |      |         |                          |

**3. Lands irrigated or place of use:**

| Twp. | Rge. | Sec.     | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|----------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |          | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 8S   | 38E  | 3        |      |      |      |      |      |      |      |      | 7    | 36   |      |      |      |      |      |      | 43     |
|      |      | <u>4</u> |      |      |      |      |      |      |      |      |      |      |      |      | 38   |      | 38   | 39   | 115    |
|      |      |          |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |          |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |          |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |          |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 158

3. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_

b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.

c. Claim No. Adj. A29-00131 on file with the Idaho Department of Water Resources.

d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Pebble Creek tributary to Portneuf River

4. Date or priority June 25, 1902

5. Water is used for the following purpose:

amount 3.170 cfs for Irrigation purposes from 4-15 to 9-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 3.17 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|---|----|----|------|------|------|---------|--------------------------|
|     |   | SE | SE | 8    | 8S   | 38E  | Caribou |                          |
|     |   | NE | SW | 9    | 8S   | 38E  | Caribou |                          |
|     |   |    |    |      |      |      |         |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 8S   | 38E  | 3    |      |      |      |      |      |      |      |      |      | 7    | 36   |      |      |      |      |      | 43     |
|      |      | 4    |      |      |      |      |      |      |      |      |      |      |      |      | 38   |      | 38   | 39   | 115    |
|      |      | 9    |      | 40   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 40     |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 198

9. Describe any other water rights used for the same purpose as described above A29-00133

A29-02048, A29-02449

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### APPLICATION FOR TRANSFER OF WATER RIGHT

#### PART 2

(Attach one copy for each right)

#### DESCRIPTION OF RIGHT AS RECORDED

Right evidenced by:

- a. Decree No. 29-00131 Decreed to Joseph E. Corbett  
in case of Union Grain & Elevator vs. McCammon Ditch et al  
dated 8-06-1932 in District Court county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Pebble Creek tributary to Portneuf River

4. Date or priority June 25, 1902

5. Water is used for the following purpose:

amount 3.17 cfs for Irrigation purposes from 4-15 to 9-15  
(cfs/xx ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 3.17 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

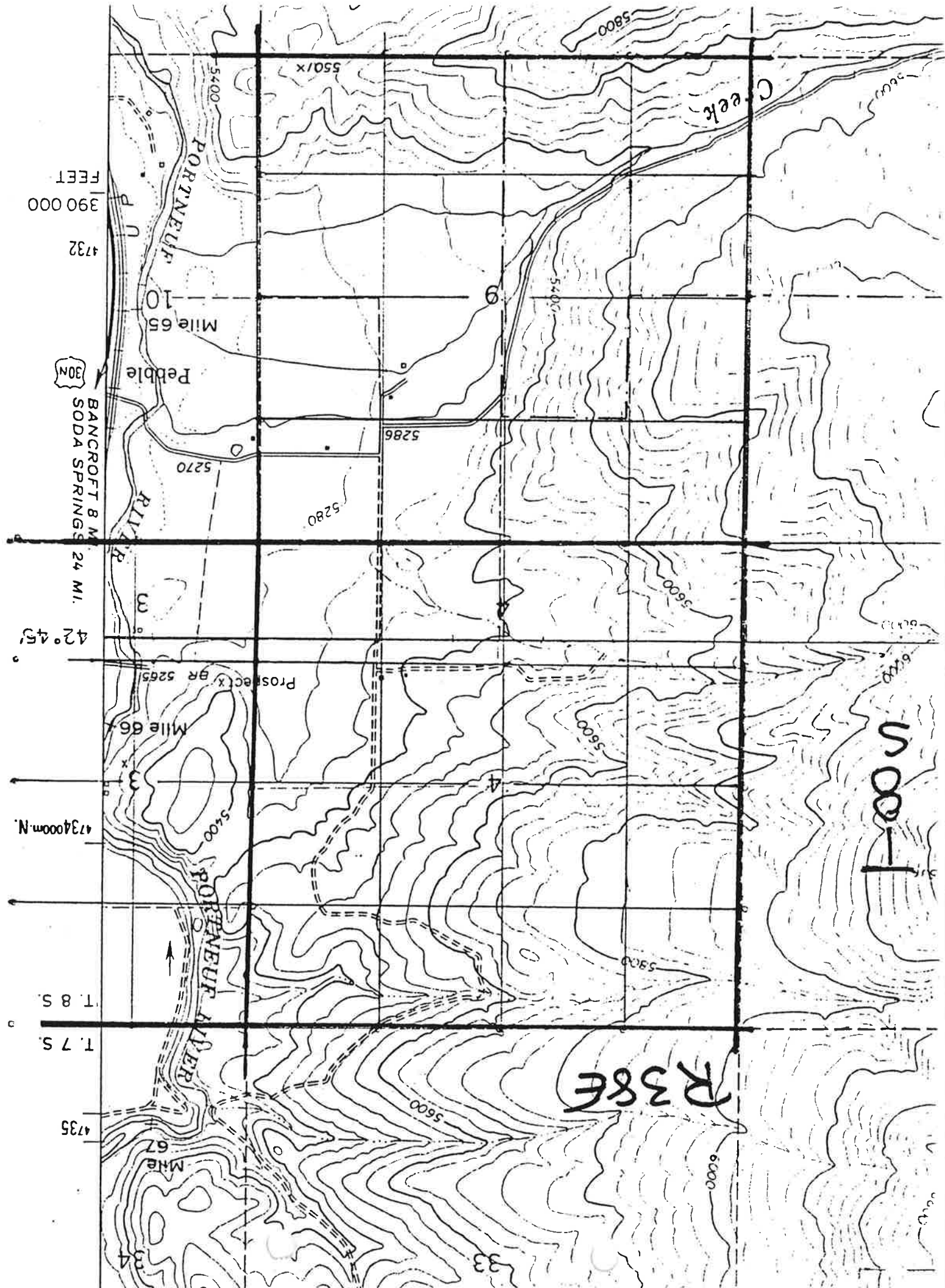
| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     |     | SE  | SE  | 8    | 8S   | 38E  | Caribou |                          |
|     |     | SE  | SW  | 9    | 8S   | 38E  | Caribou |                          |
|     |     |     |     |      |      |      |         |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
| 8S   | 38E  | 4    |        |        |        |        |        |        |        |        |        |        |        |        | A      |        | A      | A      |        |
|      |      | 9    |        | A      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above 29-2449



R 386

500-1

FEET

390 000

4732

10

Mile 65

Pebble

BANCROFT 8 M.

SODA SPRINGS

24 M.

42° 45'

42° 45'

42° 45'

42° 45'

42° 45'

42° 45'

42° 45'

42° 45'

42° 45'

42° 45'

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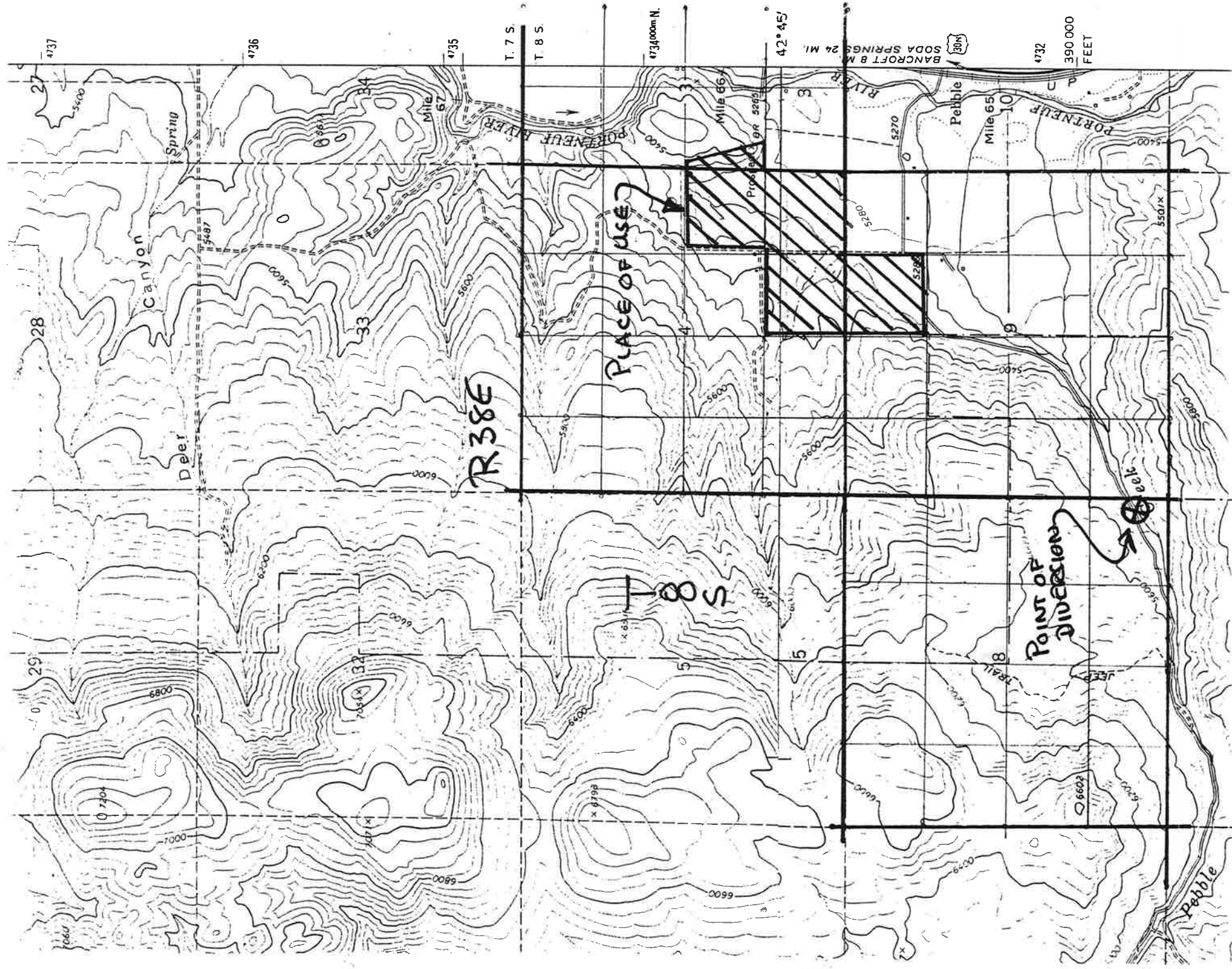
42° 45'

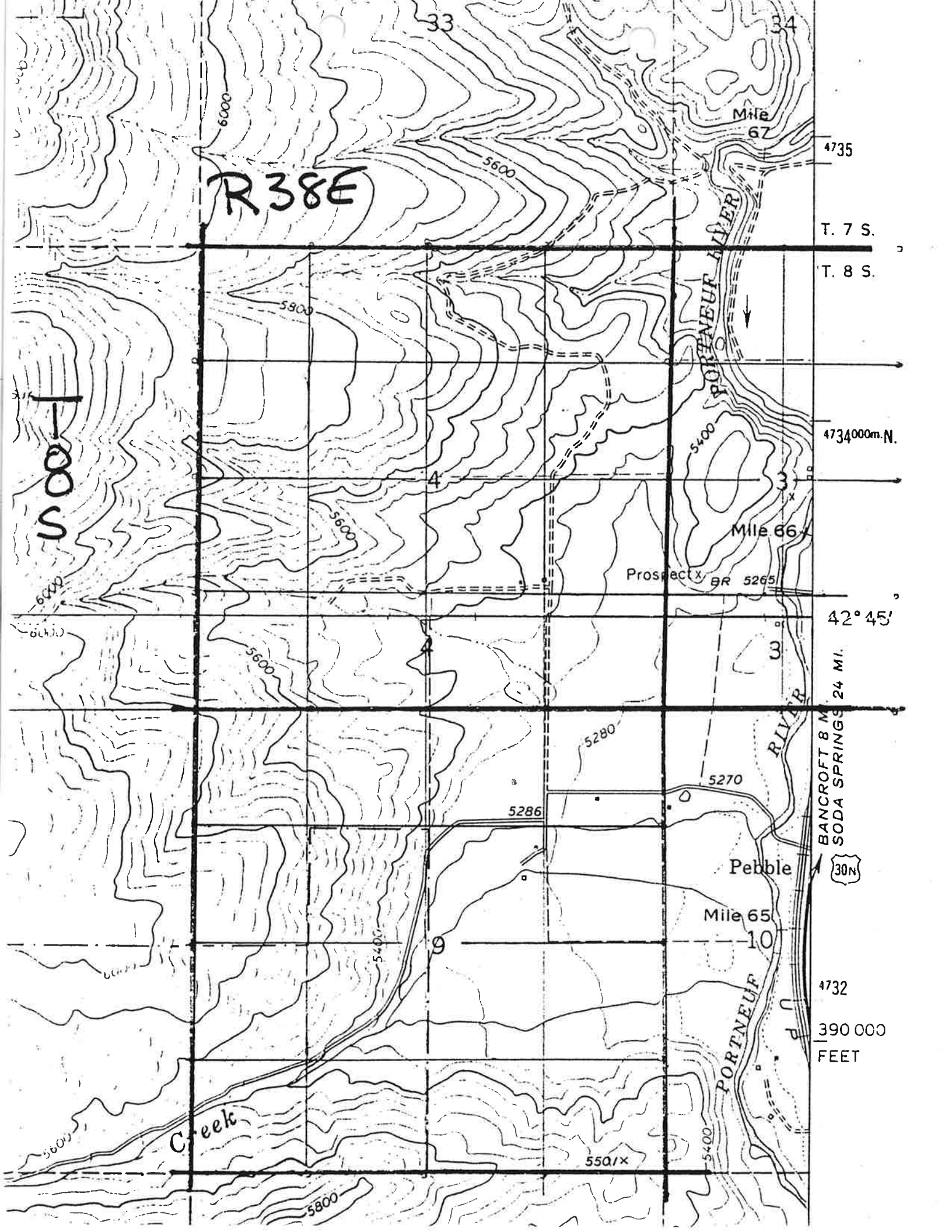
42° 45'

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R38E

T. 7 S.

T. 8 S.

4734000m.N.

42° 45'

24 MI.

30N

4732

390 000  
FEET

Mile  
67

Mile 66

Mile 65

Pebble

Prospect x

BR 5265

5286

5280

5270

5400

5501x

5800

5600

5800

5600

6000

33

34

4

3

9

10

5000

Creek

PORTNEUF  
RIVER

COUNTY  
PROPERTY TAX 1990

CODE AREA 5 PARCEL NUMBER 000000026740 BILL NUMBER R 2674  
40.00 ACRES  
NW1/4NE1/4 40 AC SEC9 T8S R38E

MABEY, JAMES W.  
MABEY, DONA RAE  
387 EAST 450 SOUTH

CLEARFIELD UT 84015 0000

COUNTY  
SCHOOL DIST#149  
BANCROFT CEM.

.454  
.7871  
.0048%

47.31  
81.91  
0.50

TOTAL TAXES

1.2465%

129.72

TOTAL DUE

129.72

RECEIPT

FULL PAYMENT  
TAX 129.72

PEN.  
SUB TOT.  
INT.  
TOT.  
1ST INSTALLMENT

TAX 64.86

PEN.  
SUB TOT.  
INT.  
TOT.

2ND INSTALLMENT

TAX 64.86

PEN.  
SUB TOT.  
INT.  
TOT.

LED CHECK IS YOUR RECEIPT

LEVY LISTS AT TAX COLLECTOR'S OFFICE

TAX NOTICE AND RECEIPT

COUNTY  
PROPERTY TAX 1990

CODE AREA 5 PARCEL NUMBER 000000026630 BILL NUMBER R 2663  
148.00 ACRES  
W1/2SW1/4, SW1/4NW1/4, TR SE1/4  
NW1/4 W OF RR, TR NE1/4SW1/4  
W OF RIVER 147 AC. SEC 3, T8S  
R38E

MABEY, JAMES W.  
MABEY, DONA RAE  
387 EAST 450 SOUTH

CLEARFIELD UT 84015 0000

TAXING DISTRICT

RATE

AMOUNT

RECEIPT

COUNTY  
SCHOOL DIST#149  
BANCROFT CEM.

.4546%  
.7871%  
.0048%

137.23  
237.60  
1.45

TOTAL TAXES

1.2465%

376.28

TOTAL DUE

376.28

FULL PAYMENT

TAX 376.28

PEN.  
SUB TOT.  
INT.  
TOT.

1ST INSTALLMENT

TAX 188.14

PEN.  
SUB TOT.  
INT.  
TOT.

2ND INSTALLMENT

TAX 188.14

PEN.  
SUB TOT.  
INT.  
TOT.

LED CHECK IS YOUR RECEIPT

LEVY LISTS AT TAX COLLECTOR'S OFFICE

TAX NOTICE AND RECEIPT

COUNTY  
PROPERTY TAX 1990

CODE AREA 5 PARCEL NUMBER 000000026690 BILL NUMBER R 2669  
120.00 ACRES  
SW1/4SE1/4, E1/2SE1/4, 120 AC  
LESS 2.27 AC HW SEC 4 T8S R38E

MABEY, JAMES W.  
MABEY, DONA RAE  
387 EAST 450 SOUTH

CLEARFIELD UT 84015 0000

TAXING DISTRICT

RATE

AMOUNT

RECEIPT

COUNTY  
SCHOOL DIST#149  
BANCROFT CEM.

.4546%  
.7871%  
.0048%

193.34  
334.76  
2.04

TOTAL TAXES

1.2465%

530.14

TOTAL DUE

530.14

FULL PAYMENT

TAX 530.14

PEN.  
SUB TOT.  
INT.  
TOT.

1ST INSTALLMENT

TAX 265.07

PEN.  
SUB TOT.  
INT.  
TOT.

2ND INSTALLMENT

TAX 265.07

PEN.  
SUB TOT.  
INT.  
TOT.

|           |                           |               |         |               |          |
|-----------|---------------------------|---------------|---------|---------------|----------|
| STATION   | PEBBLE CREEK NR PEBBLE ID |               |         | ID            | 13072500 |
| PARAMETER | Flow                      | cfs           |         | STATISTIC     | Mean     |
| YEARS     | 09/1911-09/1914           | DRAINAGE AREA | 27.20   | HYDROLOG UNIT | 17040208 |
| SITE Code | STREAM                    | CONTRIB AREA  | 27.20   | GEOLOGIC UNIT |          |
| STATE     | ID                        | GAGE DATUM    | 5460.00 | AQUIFER TYPE  |          |
| COUNTY    | 16029                     | WELL DEPTH    | -1E+09  | AGENCY        | USGS     |
| LATITUDE  | N42:44:00                 | SAMPLE XSEC   | -1E+09  | AGENCY OFFICE | 16       |
| LONGITUDE | W112:02:00                | SAMPLE DEPTH  | -1E+09  | SEQUENCE NBR  | 0        |

|         | Oct  | Nov  | Dec   | Jan  | Feb  | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Year |
|---------|------|------|-------|------|------|------|------|------|------|------|------|------|------|
| Day Cnt | 93   | 90   | 93    | 93   | 85   | 93   | 62   | 63   | 60   | 93   | 93   | 95   | 1013 |
| Day Avg | 17   | 10   | 7.7   | 6.9  | 6.6  | 7.4  | 29   | 102  | 89   | 23   | 12   | 9.7  | 23   |
| Max     | 3    | 3    | 3     | 3    | 3    | 3    | 2    | 2    | 2    | 3    | 3    | 3    | 2    |
| Max Mon | 31   | 12   | 8.0   | 8.5  | 7.9  | 10   | 45   | 106  | 136  | 30   | 17   | 12   | 29   |
| Max Yr  | 1913 | 1914 | 1914  | 1914 | 1914 | 1914 | 1913 | 1913 | 1912 | 1912 | 1912 | 1912 | 1912 |
| Min Mon | 9.5  | 9.0  | 7.0   | 6.0  | 6.0  | 5.7  | 11   | 96   | 42   | 19   | 7.5  | 7.7  | 25   |
| Min Yr  | 1912 | 1912 | 1913  | 1913 | 1913 | 1912 | 1912 | 1912 | 1913 | 1913 | 1914 | 1914 | 1913 |
| Mon Std | 12   | 1.5  | 0.58  | 1.3  | 1.1  | 2.6  | 24   | 6.8  | 67   | 6.2  | 4.9  | 2.2  | 2.7  |
| Mon Skw | 1.71 | 1.52 | -1.73 | 1.62 | 1.73 | 1.71 | —    | —    | —    | 1.71 | 0.16 | 1.06 | —    |

Years 1911-14

Gage Location - Above Forest Service Bldg, approx where stream intersects section line common to secs. 8 & 17, T 9S, R 38E. This is Above Mabey/Wistinen Irrig Division.

STATION : 13072500 PEBBLE CREEK NR PEBBLE ID  
LOCATION : LATITUDE N42:44:00, LONGITUDE W112:02:00, HYDROLOGICAL UNIT 17040208  
DRAINAGE AREA : 27.20 mi2 (70.46 km2)  
PERIOD OF RECORD: 09/1911 - 09/1914  
GAGE ALTITUDE : 5460.00 (1664. m)

|       |     | Flow cfs |     | WATER YEAR OCT 1910 TO SEP 1911 |     |     |     |     |     |     |     |     |      |  |  |
|-------|-----|----------|-----|---------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|------|--|--|
|       |     | Mean     |     |                                 |     |     |     |     |     |     |     |     |      |  |  |
| DAY   | Oct | Nov      | Dec | Jan                             | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Year |  |  |
| 1     | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 2     | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 3     | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 4     | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 5     | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 6     | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 7     | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 8     | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 9     | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 10    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 11    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 12    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 13    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 14    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 15    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 16    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 17    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 18    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 19    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 20    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 21    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 22    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 23    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 24    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 25    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 26    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   |      |  |  |
| 27    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | 12  |      |  |  |
| 28    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | 12  |      |  |  |
| 29    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | 12  |      |  |  |
| 30    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | 12  |      |  |  |
| 31    | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | 12  |      |  |  |
| Mean  | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   | —    |  |  |
| Max   | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   | —    |  |  |
| Min   | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   | —    |  |  |
| Ac-Ft | —   | —        | —   | —                               | —   | —   | —   | —   | —   | —   | —   | —   | —    |  |  |

STATION : 13072500 PEBBLE CREEK NR PEBBLE ID

LOCATION : LATITUDE N42:44:00, LONGITUDE W112:02:00, HYDROLOGICAL UNIT 17040208

DRAINAGE AREA : 27.20 mi2 (70.46 km2)

PERIOD OF RECORD: 09/1911 - 09/1914

GAGE ALTITUDE : 5460.00 (1664. m)

| Flow cfs WATER YEAR OCT 1911 TO SEP 1912 |     |     |     |     |     |     |     |      |      |      |      |     |       |
|------------------------------------------|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|-----|-------|
| DAY                                      | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May  | Jun  | Jul  | Aug  | Sep | Year  |
| 1                                        | 11  | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 7.0 | 15   | 148  | 90   | 19   | 13  |       |
| 2                                        | 11  | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 7.0 | 15   | 143  | 75   | 19   | 13  |       |
| 3                                        | 11  | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 7.0 | 16   | 144  | 65   | 20   | 13  |       |
| 4                                        | 10  | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 7.0 | 17   | 146  | 55   | 20   | 13  |       |
| 5                                        | 10  | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 8.0 | 18   | 148  | 45   | 20   | 12  |       |
| 6                                        | 10  | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 8.0 | 25   | 150  | 35   | 20   | 12  |       |
| 7                                        | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 8.0 | 34   | 152  | 26   | 20   | 12  |       |
| 8                                        | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 9.0 | 82   | 153  | 26   | 20   | 12  |       |
| 9                                        | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 9.0 | 91   | 154  | 26   | 20   | 12  |       |
| 10                                       | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 9.0 | 73   | 172  | 25   | 18   | 12  |       |
| 11                                       | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 10  | 78   | 170  | 25   | 18   | 13  |       |
| 12                                       | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 10  | 83   | 165  | 25   | 18   | 13  |       |
| 13                                       | 10  | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 10  | 88   | 160  | 25   | 18   | 13  |       |
| 14                                       | 10  | 9.0 | 8.0 | 7.0 | 6.0 | 6.0 | 11  | 94   | 150  | 25   | 17   | 13  |       |
| 15                                       | 10  | 9.0 | 8.0 | 7.0 | 6.0 | 6.0 | 11  | 100  | 140  | 24   | 17   | 13  |       |
| 16                                       | 10  | 9.0 | 8.0 | 7.0 | 6.0 | 5.0 | 11  | 136  | 130  | 24   | 17   | 12  |       |
| 17                                       | 10  | 9.0 | 8.0 | 7.0 | 6.0 | 5.0 | 11  | 154  | 121  | 23   | 17   | 12  |       |
| 18                                       | 10  | 9.0 | 8.0 | 7.0 | 6.0 | 5.0 | 11  | 121  | 104  | 23   | 16   | 12  |       |
| 19                                       | 9.0 | 9.0 | 8.0 | 7.0 | 6.0 | 5.0 | 12  | 121  | 110  | 22   | 16   | 12  |       |
| 20                                       | 9.0 | 9.0 | 8.0 | 7.0 | 6.0 | 5.0 | 12  | 121  | 121  | 22   | 16   | 12  |       |
| 21                                       | 9.0 | 9.0 | 8.0 | 7.0 | 6.0 | 5.0 | 12  | 121  | 143  | 21   | 16   | 12  |       |
| 22                                       | 9.0 | 9.0 | 8.0 | 7.0 | 6.0 | 5.0 | 13  | 121  | 110  | 21   | 17   | 11  |       |
| 23                                       | 9.0 | 9.0 | 8.0 | 7.0 | 6.0 | 5.0 | 13  | 121  | 112  | 20   | 17   | 11  |       |
| 24                                       | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 5.0 | 13  | 121  | 114  | 20   | 17   | 11  |       |
| 25                                       | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 5.0 | 14  | 130  | 116  | 20   | 16   | 11  |       |
| 26                                       | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 5.0 | 14  | 140  | 121  | 20   | 16   | 11  |       |
| 27                                       | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 15  | 150  | 126  | 19   | 16   | 11  |       |
| 28                                       | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 15  | 160  | 126  | 19   | 15   | 11  |       |
| 29                                       | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 6.0 | 15  | 132  | 121  | 19   | 14   | 11  |       |
| 30                                       | 9.0 | 9.0 | 8.0 | 6.0 |     | 7.0 | 15  | 145  | 110  | 19   | 14   | 11  |       |
| 31                                       | 9.0 |     | 8.0 | 6.0 |     | 7.0 |     | 154  |      | 19   | 13   |     |       |
| Mean                                     | 9.5 | 9.0 | 8.0 | 6.3 | 6.0 | 5.7 | 11  | 96   | 136  | 30   | 17   | 12  | 29    |
| Max                                      | 11  | 9.0 | 8.0 | 7.0 | 6.0 | 7.0 | 15  | 160  | 172  | 90   | 20   | 13  | 172   |
| Min                                      | 9.0 | 9.0 | 8.0 | 6.0 | 6.0 | 5.0 | 7.0 | 15   | 104  | 19   | 13   | 11  | 5.0   |
| Ac-Ft                                    | 583 | 536 | 492 | 389 | 345 | 351 | 649 | 5905 | 8093 | 1831 | 1065 | 714 | 20951 |

STATION : 13072500 PEBBLE CREEK NR PEBBLE ID

LOCATION : LATITUDE N42:44:00, LONGITUDE W112:02:00, HYDROLOGICAL UNIT 17040208

DRAINAGE AREA : 27.20 mi2 (70.46 km2)

PERIOD OF RECORD: 09/1911 - 09/1914

GAGE ALTITUDE : 5460.00 (1664. m)

| Flow cfs WATER YEAR OCT 1912 TO SEP 1913 |              |     |     |     |     |     |      |      |      |      |     |     |       |
|------------------------------------------|--------------|-----|-----|-----|-----|-----|------|------|------|------|-----|-----|-------|
|                                          | Flow<br>Mean |     |     |     |     |     |      |      |      |      |     |     |       |
| DAY                                      | Oct          | Nov | Dec | Jan | Feb | Mar | Apr  | May  | Jun  | Jul  | Aug | Sep | Year  |
| 1                                        | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 20   | 124  | 50   | 26   | 14  | 9.0 |       |
| 2                                        | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 19   | 124  | 50   | 26   | 14  | 9.0 |       |
| 3                                        | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 19   | 124  | 50   | 26   | 14  | 9.0 |       |
| 4                                        | 31           | 9.0 | 7.0 | 6.0 | 6.0 | 6.0 | 19   | 124  | 50   | 26   | 14  | 9.0 |       |
| 5                                        | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 18   | 124  | 50   | 26   | 14  | 9.0 |       |
| 6                                        | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 20   | 124  | 50   | 26   | 14  | 9.0 |       |
| 7                                        | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 22   | 124  | 50   | 26   | 14  | 9.0 |       |
| 8                                        | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 24   | 124  | 50   | 20   | 14  | 9.0 |       |
| 9                                        | 31           | 9.5 | 6.5 | 6.0 | 6.0 | 6.0 | 26   | 124  | 50   | 18   | 14  | 9.0 |       |
| 10                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 36   | 126  | 50   | 18   | 14  | 9.0 |       |
| 11                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 36   | 132  | 50   | 18   | 14  | 9.0 |       |
| 12                                       | 31           | 9.5 | 7.5 | 6.0 | 6.0 | 6.0 | 36   | 128  | 50   | 18   | 14  | 9.0 |       |
| 13                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 36   | 124  | 50   | 18   | 14  | 9.0 |       |
| 14                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 36   | 121  | 38   | 18   | 14  | 9.0 |       |
| 15                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 36   | 90   | 36   | 16   | 14  | 9.0 |       |
| 16                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 36   | 90   | 36   | 16   | 12  | 9.0 |       |
| 17                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 36   | 90   | 36   | 16   | 11  | 9.0 |       |
| 18                                       | 31           | 9.6 | 7.0 | 6.0 | 6.0 | 6.0 | 36   | 90   | 36   | 16   | 11  | 9.0 |       |
| 19                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 46   | 90   | 36   | 16   | 11  | 9.0 |       |
| 20                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 50   | 90   | 36   | 16   | 11  | 9.0 |       |
| 21                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 54   | 90   | 36   | 16   | 11  | 9.0 |       |
| 22                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 50   | 90   | 36   | 16   | 10  | 9.0 |       |
| 23                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 50   | 90   | 36   | 16   | 10  | 9.0 |       |
| 24                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 50   | 90   | 36   | 16   | 10  | 9.0 |       |
| 25                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 46   | 90   | 36   | 16   | 10  | 9.0 |       |
| 26                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 84   | 90   | 36   | 16   | 10  | 9.0 |       |
| 27                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 84   | 90   | 36   | 16   | 10  | 9.0 |       |
| 28                                       | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 84   | 90   | 34   | 16   | 10  | 9.0 |       |
| 29                                       | 31           | 9.5 | 7.0 | 6.0 |     | 6.0 | 121  | 90   | 34   | 16   | 10  | 9.0 |       |
| 30                                       | 31           | 9.5 | 7.0 | 6.0 |     | 6.0 | 124  | 90   | 32   | 16   | 10  | 9.0 |       |
| 31                                       | 31           |     | 7.0 | 6.0 |     | 6.0 |      | 90   |      | 16   | 10  |     |       |
| Mean                                     | 31           | 9.5 | 7.0 | 6.0 | 6.0 | 6.0 | 45   | 106  | 42   | 19   | 12  | 9.0 | 25    |
| Max                                      | 31           | 9.6 | 7.5 | 6.0 | 6.0 | 6.0 | 124  | 132  | 50   | 26   | 14  | 9.0 | 132   |
| Min                                      | 31           | 9.0 | 6.5 | 6.0 | 6.0 | 6.0 | 18   | 90   | 32   | 16   | 10  | 9.0 | 6.0   |
| Ac-Ft                                    | 1906         | 564 | 430 | 369 | 333 | 369 | 2686 | 6500 | 2491 | 1154 | 748 | 536 | 18086 |

STATION : 13072500 PEBBLE CREEK NR PEBBLE ID

LOCATION : LATITUDE N42:44:00, LONGITUDE W112:02:00, HYDROLOGICAL UNIT 17040208

DRAINAGE AREA : 27.20 mi2 (70.46 km2)

PERIOD OF RECORD: 09/1911 - 09/1914

GAGE ALTITUDE : 5460.00 (1664. m)

| Flow cfs WATER YEAR OCT 1913 TO SEP 1914 |     |     |     |     |     |     |     |     |     |      |     |     |      |
|------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|------|
| DAY                                      | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul  | Aug | Sep | Year |
| 1                                        | 9.0 | 11  | 8.0 | 8.0 | 6.0 | 10  | —   | —   | —   | 32   | 9.0 | 6.0 |      |
| 2                                        | 9.0 | 11  | 8.0 | 8.0 | 6.0 | 10  | —   | —   | —   | 32   | 9.0 | 6.0 |      |
| 3                                        | 10  | 11  | 8.0 | 8.0 | 6.0 | 10  | —   | —   | —   | 32   | 9.0 | 6.0 |      |
| 4                                        | 10  | 11  | 8.0 | 8.0 | 6.0 | 10  | —   | —   | —   | 32   | 9.0 | 6.0 |      |
| 5                                        | 10  | 14  | 8.0 | 8.0 | 6.0 | 10  | —   | —   | —   | 32   | 9.0 | 6.0 |      |
| 6                                        | 10  | 16  | 8.0 | 8.0 | 6.0 | 10  | —   | —   | —   | 29   | 9.0 | 6.0 |      |
| 7                                        | 10  | 13  | 8.0 | 8.0 | 6.0 | 10  | —   | —   | —   | 28   | 9.0 | 6.0 |      |
| 8                                        | 10  | 13  | 8.0 | 8.0 | 6.0 | 10  | —   | —   | —   | 27   | 9.0 | 6.0 |      |
| 9                                        | 11  | 13  | 8.0 | 8.0 | 6.0 | 10  | —   | —   | —   | 26   | 9.0 | 6.0 |      |
| 10                                       | 11  | 13  | 8.0 | 8.0 | 5.5 | 10  | —   | —   | —   | 26   | 8.0 | 6.0 |      |
| 11                                       | 11  | 13  | 8.0 | 8.0 | 8.0 | 10  | —   | —   | —   | 26   | 8.0 | 6.0 |      |
| 12                                       | 11  | 13  | 8.0 | 8.0 | 8.0 | 10  | —   | 143 | —   | 24   | 8.0 | 7.0 |      |
| 13                                       | 11  | 13  | 8.0 | 8.0 | 8.0 | 10  | 42  | —   | —   | 22   | 8.0 | 7.0 |      |
| 14                                       | 11  | 13  | 8.0 | 8.0 | 8.0 | 10  | —   | —   | —   | 20   | 8.0 | 8.0 |      |
| 15                                       | 11  | 13  | 8.0 | 8.0 | 8.0 | 10  | —   | —   | —   | 18   | 8.0 | 8.0 |      |
| 16                                       | 11  | 13  | 8.0 | 8.0 | 8.0 | 10  | —   | —   | —   | 17   | 8.0 | 8.0 |      |
| 17                                       | 11  | 13  | 8.0 | 10  | 8.0 | 10  | —   | —   | —   | 16   | 8.0 | 9.0 |      |
| 18                                       | 11  | 13  | 8.0 | 10  | 8.0 | 10  | —   | —   | —   | 16   | 7.0 | 9.0 |      |
| 19                                       | 11  | 13  | 8.0 | 10  | 8.0 | 10  | —   | —   | —   | 15   | 7.0 | 9.0 |      |
| 20                                       | 11  | 13  | 8.0 | 10  | 10  | 10  | —   | —   | —   | 14   | 7.0 | 9.0 |      |
| 21                                       | 11  | 13  | 8.0 | 10  | 10  | 11  | —   | —   | —   | 14   | 7.0 | 9.0 |      |
| 22                                       | 11  | 10  | 8.0 | 10  | 10  | 11  | —   | —   | —   | 13   | 6.0 | 9.0 |      |
| 23                                       | 11  | 10  | 8.0 | 10  | 10  | 11  | —   | —   | —   | 12   | 6.0 | 9.0 |      |
| 24                                       | 11  | 10  | 8.0 | 8.0 | 10  | 11  | —   | —   | —   | 12   | 6.0 | 9.0 |      |
| 25                                       | 11  | 10  | 8.0 | 8.0 | 10  | 11  | —   | —   | —   | 11   | 6.0 | 9.0 |      |
| 26                                       | 12  | 9.0 | 8.0 | 8.0 | 10  | 11  | —   | —   | —   | 11   | 6.0 | 9.0 |      |
| 27                                       | 12  | 9.0 | 8.0 | 8.0 | 10  | 11  | 74  | —   | —   | 10   | 6.0 | 9.0 |      |
| 28                                       | 12  | 9.0 | 8.0 | 8.0 | 10  | 11  | —   | —   | —   | 10   | 6.0 | 9.0 |      |
| 29                                       | 12  | 8.0 | 8.0 | 8.0 |     | 11  | —   | —   | —   | 9.0  | 6.0 | 9.0 |      |
| 30                                       | 11  | 8.0 | 8.0 | 8.0 |     | 11  | —   | —   | —   | 9.0  | 6.0 | 9.0 |      |
| 31                                       | 11  |     | 8.0 | 8.0 |     | 11  |     | —   |     | 9.0  | 6.0 |     |      |
| Mean                                     | 11  | 12  | 8.0 | 8.5 | 7.9 | 10  | —   | —   | —   | 19   | 7.5 | 7.7 | —    |
| Max                                      | 12  | 16  | 8.0 | 10  | 10  | 11  | —   | —   | —   | 32   | 9.0 | 9.0 | —    |
| Min                                      | 9.0 | 8.0 | 8.0 | 8.0 | 5.5 | 10  | —   | —   | —   | 9.0  | 6.0 | 6.0 | —    |
| Ac-Ft                                    | 664 | 698 | 492 | 520 | 439 | 637 | —   | —   | —   | 1198 | 462 | 456 | —    |

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: A29-00131  
Date Received: 2/16/1990  
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: JUN 25, 1902

3. Source: PEBBLE CREEK

Trib. to: PORTNEUF RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 08S      | 38E   | 8       | SE     | SE     |     |     | CARIBOU |
|          |       | 9       | NE     | SW     |     |     | CARIBOU |

5. Description of diverting works:  
2 HEADGATES/DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 09/15 | 3.170  |      |        |

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

A.F.A.

8. Total consumptive use is 495.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

RECEIVED

APR 1 1991

Department of Water Resources  
Eastern District Office

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED  
CHANGE OF A WATER  
RIGHT

NO. 29-00131 & 29-02449

Notice is hereby given that Donna Rae Mabey, Clearfield, Utah, has applied to the Department of Water Resources for an Exchange of Rights of the waters of Pebble Creek and a groundwater source. The right sought to be changed is evidenced by a Decree and a License and are recorded as follows:

Decree No. 29-00131 Decreed to JOSEPH E. CORBETT in case of UNION GRAIN & ELEVATOR vs. MCCAMMON DITCH, et al, dated 8-06-1932 in District Court.

AMOUNT: 3.17 cfs

PRIORITY: June 25, 1902

POINT(S) OF DIVERSION:  
SESE, SEC. 8; SESW, SEC. 9, T  
8S, R 38E, CARIBOU COUNTY

The water is used from APRIL  
15 to SEPTEMBER 15 to irrigate  
within the NESE, S1/2SE, SEC. 4;  
NWNE, SEC. 9, T 8S, R 38E, B.M.

LICENSE NO. 29-02449

AMOUNT: 2.22 cfs

PRIORITY: 11-03-1961

POINT OF DIVERSION:  
SWSW, SEC. 3, T 8S, R 38E,  
CARIBOU COUNTY

The water is used from APRIL 1  
to OCTOBER 31 to irrigate 158  
acres within the W1/2SW, SEC. 3;  
NESE, S1/2SE, SEC. 4, T 8S, R  
38E, B.M.

TO BE CHANGED AS  
FOLLOWS:

Only 2.22 cfs of water will be  
exchanged and used from April 15  
to September 15 to irrigate 162  
acres of land within the NWSW,  
SEC. 3; NESE, S1/2SE, SEC. 4;  
NWNE, SEC. 9, T 8S, R 38E, B.M.  
The applicant will use 2.22 cfs of  
Pebble Creek water through the  
irrigation season and will pump  
2.22 cfs from the well directly into  
the Portneuf River to complete the  
exchange.

Any protests against the  
proposed change must be filed with  
the Idaho Department of Water  
Resources, 150 Shoup Ave., Idaho  
Falls, ID, 83401, on or before April  
8, 1991.

R. Keith Higginson  
Director

Published in the Caribou County  
Sun on March 21 and 28, 1991.

Affidavit of  
Publication

County of Caribou }  
State of Idaho } ss.

Mark Steele

being first duly sworn on his  
oath, states:

That he is Publisher  
of the Caribou County Sun, a  
newspaper of general circula-  
tion in Caribou County, Idaho,  
published weekly at Soda  
Springs in said County that said  
newspaper has been published  
in said County uninterruptedly  
and continuously for over sev-  
enty-eight consecutive weeks,  
prior to the first publication of  
the annexed notice or advertise-  
ment;

That the annexed notice was  
published as per clipping at-  
tached in the regular and entire  
edition of said newspaper and  
not in any supplement thereof

for 2 successive weekly  
issues thereof, the date of the  
first publication being the

21st day of  
March, 1991

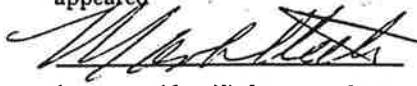
The date of the last publication

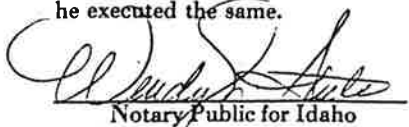
being the 28th day of  
March, 1991

On this 29th day of March

in the year of 1991 before

me, a Notary Public, personally  
appeared

  
known or identified to me to be the  
person whose name subscribed to  
the within instrument, and being  
by me first duly sworn, declared  
that the statements therein are  
true, and acknowledged to me that  
he executed the same.

  
Notary Public for Idaho  
Residing at Soda Springs, Idaho  
My commission expires:

3/11/94

MAY 4 2001

#248X

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: A29-00131  
Date Received: 1/24/1990  
Receipt No: E012070  
Received By:

Sec. 3, 4, 9

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 15 1990

Department of Water Resources  
Eastern District Office

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

84015

2. Date of Priority: JUN 25, 1902

3. Source: PEBBLE CREEK

Trib. to: PORTNEUF RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 08S      | 38E   | 8       | SE     | SE     |        |     | CARIBOU |
|          |       | 9       | NE     | SW     |        |     | CARIBOU |

5. Description of diverting works:  
2 HEADGATES/DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 09/15 | 3.170  |      |        |

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

A.F.A.

8. Total consumptive use is 495.0 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  |

A29-00131

Page 1

Date: 01/24/90

MICROFILMED

NOV 13 1992



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 |
|          |       | 9       | NW     | NE  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 40.0  |
|          |       |         |        |     |     | Total Acres   | 198.0 |

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:  
A29-00133/02048/02449.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.  
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.  
Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Rona Rae Mahay 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 E. Reed  
Notary Public

Seal

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

