

1

06/04/2003

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

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.

04/02/2003

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

RIGHT NUMBER: 29-133

NAME AND ADDRESS: DONNA RAE MABEY
387 E 450 S
CLEARFIELD UT 84015

SOURCE: PEBBLE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.700 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: 06/05/1906

POINT OF DIVERSION:

T08S R38E S8 SESE Within CARIBOU County Source: PEBBLE CREEK

T08S R38E S9 NESW Within CARIBOU County Source: PEBBLE CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 9/15	0.700 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 35 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

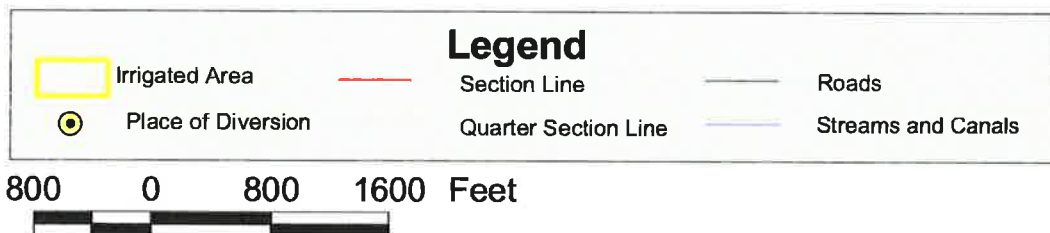
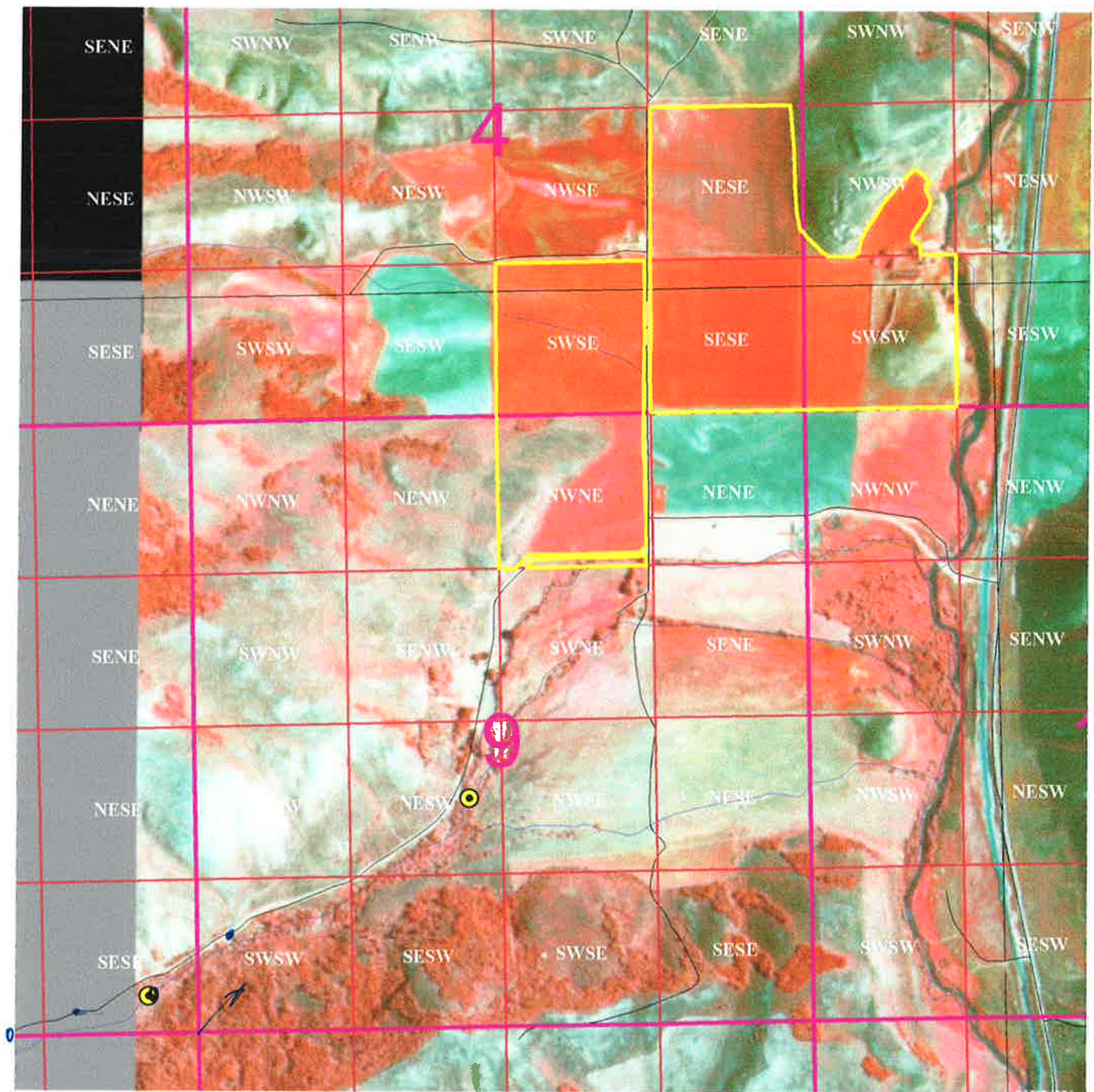
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

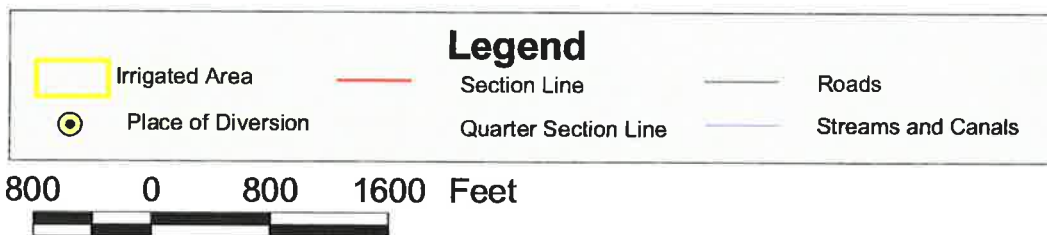
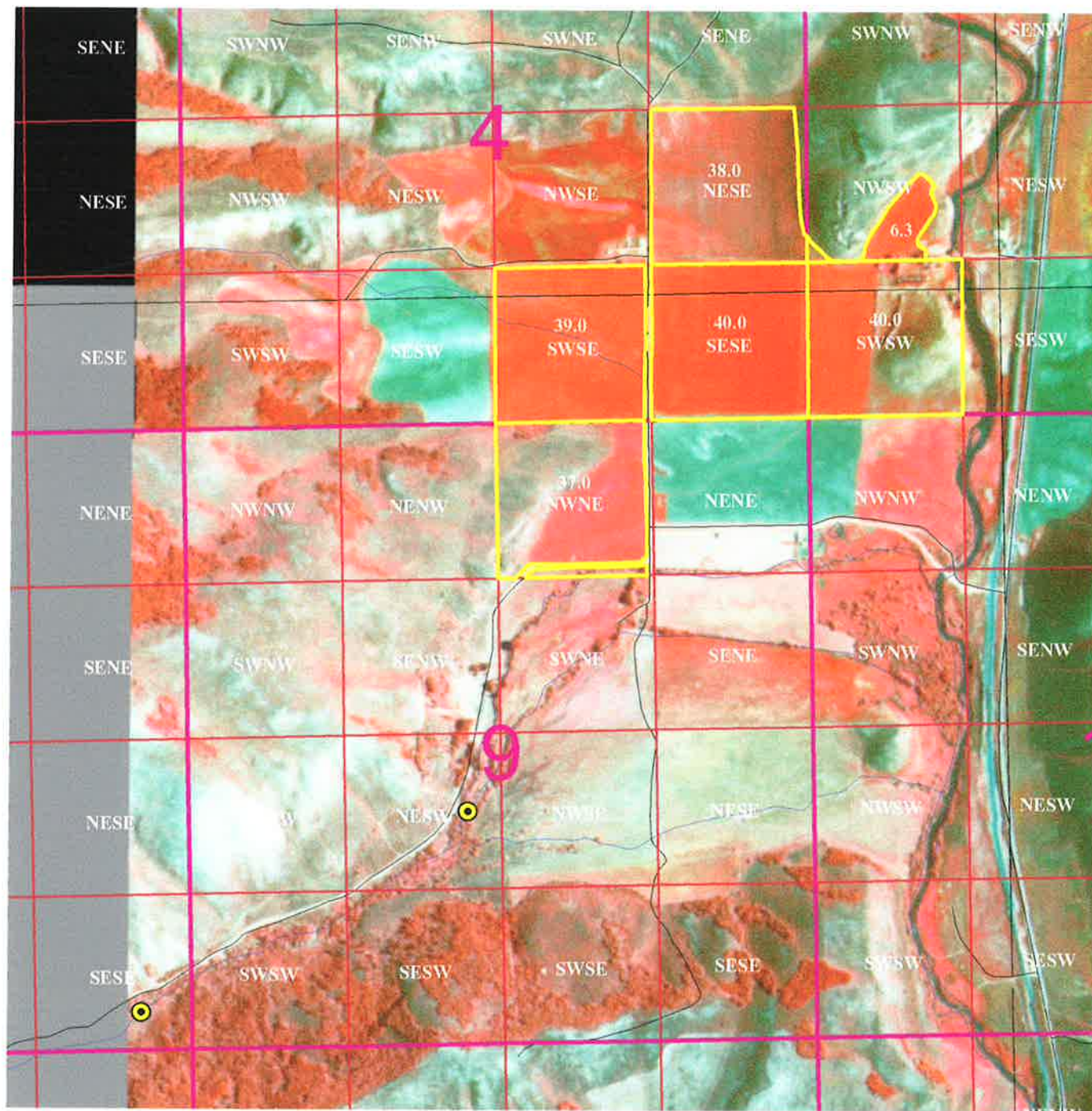
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

Township , 8S38E

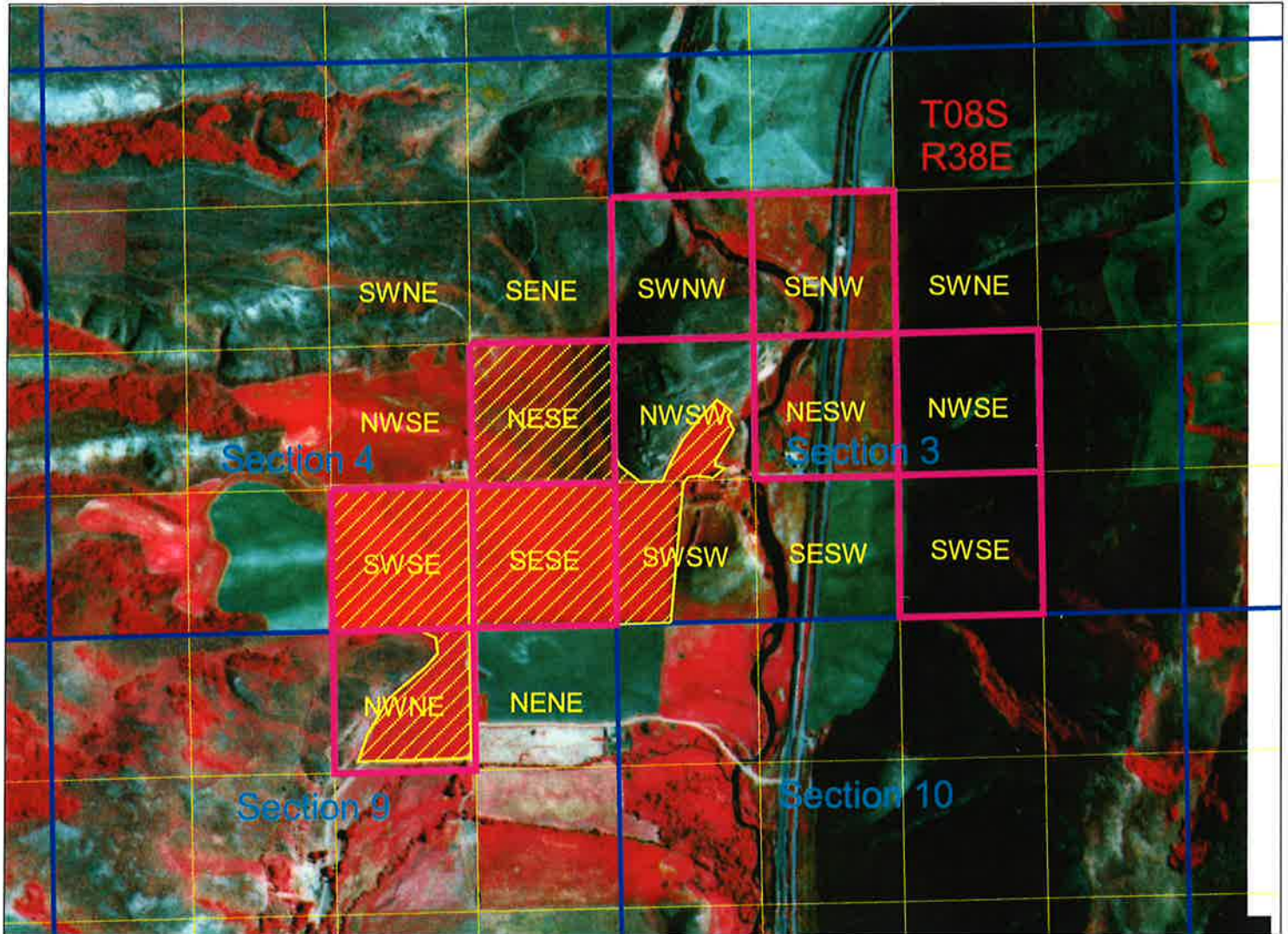


Township , 8S38E





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



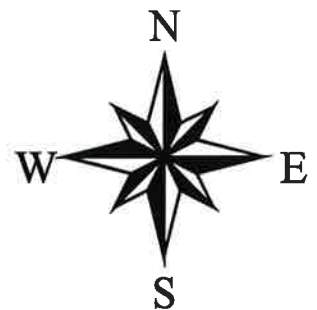
0.3 0 0.3 0.6 Miles

Irrigated Acres = 162.6

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

SCANNED

JUN 28 2005



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

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: 29-133

DONNA RAE MABEY
387 E 450 S
CLEARFIELD UT 84015

NEW ADDRESS
DONA 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 861-8257311

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:

X ☒ 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

X SEE WATER RIGHT 29-131. I HAVE CONCERN NOTATED
ON THAT ERROR NOTICE

SCANNED

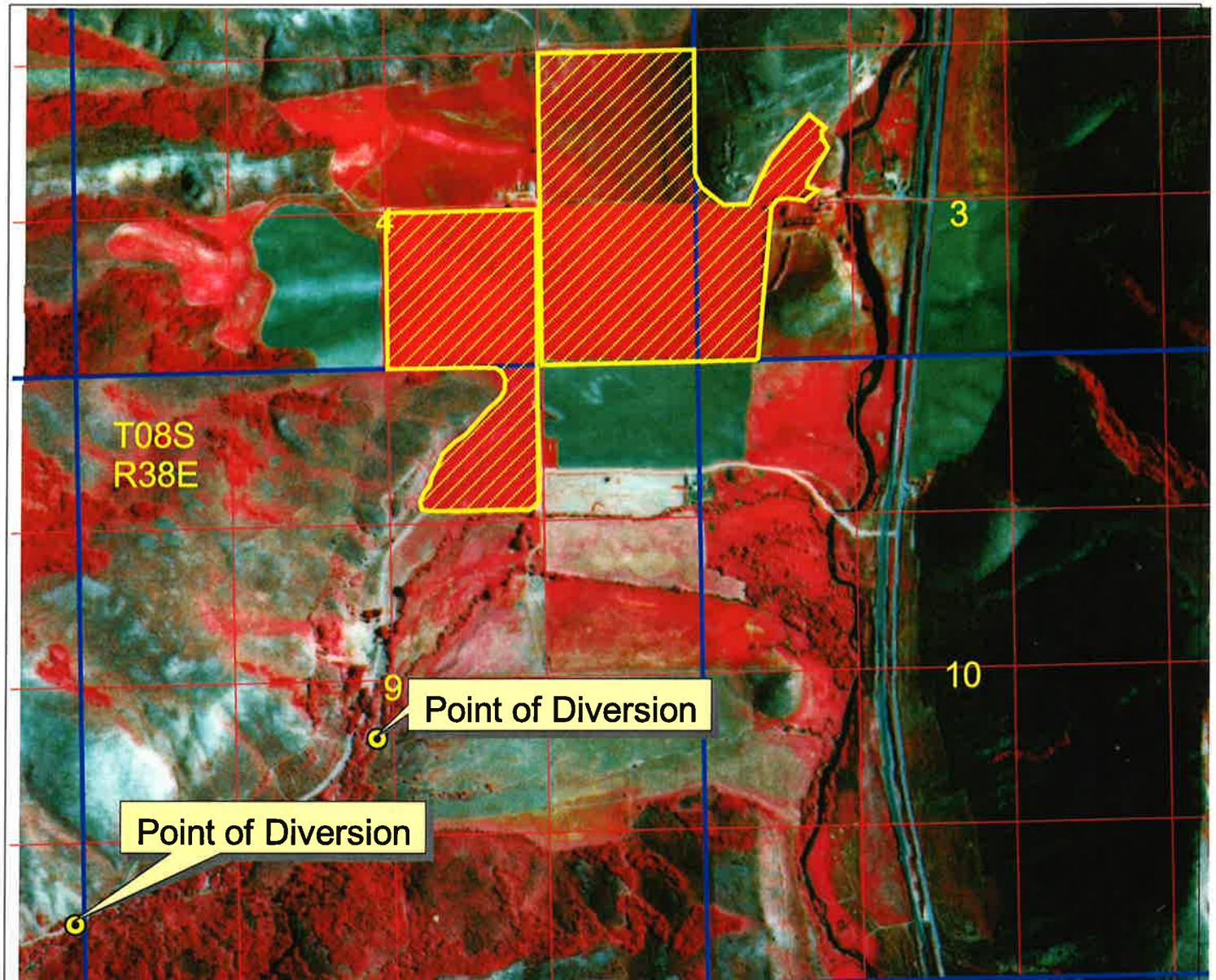
JUN 28 2005

PROFILED



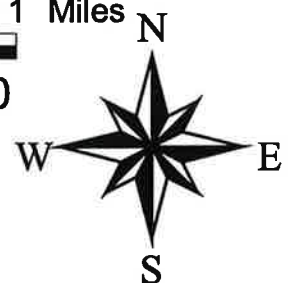
State of Idaho
Department of Water Resources
Eastern Region

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

PROFILE

SCANNED

JUN 28 2005

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



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

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 nice 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 Lanny Holbrook

RECEIVED
JUN 02 2003
Department of Water Resources
Eastern Region

PROFILE

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

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

STATE OF IDAHO } 168635-
County of Caribou }
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 Recorder
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 28th 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 11th 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.

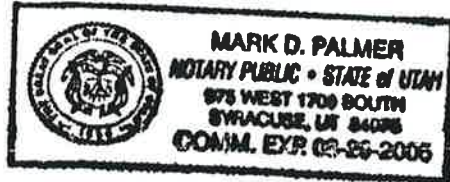
THE DONA RAE MABEY
FAMILY PROTECTION TRUST

[Signature]
DONA RAE MABEY TRUSTEE

SCANNED
JUN 28 2005

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 28th 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

SCANNED

JUN 28 2005

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

OK per
Roger
date entry
Jen
5/13/03

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication 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:

- The appropriate **FILING FEE**. See instructions for fee amounts.
- 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**.
- 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**.

Name and Address of Former
Owner/Claimant(s)

DONA RAE MABEY

1178 W. SHASHAS AVE.

RIVERTON, UT 84065

New Owner/Claimant(s)

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

LANNY B. HOLBROOK JOANN M. HOLBROOK

New Mailing Address

2181 W. 1780 S.

City, State and ZIP Code

SYRACUSE, UTAH 84075

New Telephone Number

(801) 825-7311

Date you acquired the property

1/2 INTEREST ON 1-12-2000

1/2 INTEREST ON 3-1-2002

PROFILED

SCANNED
JUN 28 2005

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 28th 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 11th 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 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.

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 16th 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

Signature

Deputy 62

Dona Rae Mabey
DONA RAE MABEY, TRUSTEE

SCANNED

JUN 28 2005

PROFIT

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

SCANNED

JUN 28 2005

FILED

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 16th day of
March, 2002 in my office and duly
recorded official Records
Recorder Edie Izatt

Signature

Jerrie Stephens
Deputy 6.00 Ad

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 28th 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 11th 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~~ T8⁵2-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
20 OF NW 1/4 W OF RR, TR NE 1/4 OF SW 1/4 W OF
RIVER SEC 3 T8S R38E 8

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

PROFILED

SCANNED
JUN 28 2005

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

WARRANTY DEED

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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

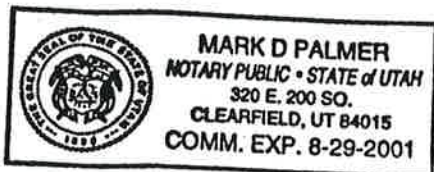

DONA RAE MABEY TRUSTEE

PROFILED

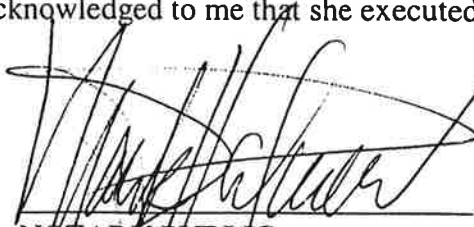
SCANNED
JUN 28 2005

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 28th 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

PROFILED

SCANNED
JUN 28 2005

copy of original



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

RECEIVED
MAY 08 2003
Department of Water Resources
Eastern Region

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

SCANNED

JUN 28 2005

PROFILED

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.

SCANNED

JUN 28 2005

PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-133

WATER RIGHT NUMBER: 29-133

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J FRED CORBETT
	, ZZ

Priority Date: 06/05/1906

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	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

PEBBLE CREEK	SE1/4NW1/4	Sec. 9,	Twp 08S,	Rge 38E, B.M.
CARIBOU County				
PEBBLE CREEK	SE1/4SW1/4	Sec. 9,	Twp 08S,	Rge 38E, B.M.
CARIBOU County				

Place of UseIRRIGATION Within CARIBOU County

T08S R38E S03 SWSW

Total Acres: 0

Conditions of Approval:Remarks:

1. General P/U INCOMPLETE.^^^

Comments:Dates and Other Information:

the Northwest quarter of the Southwest quarter of Section 10, Township 8 South, Range 38 E.B.M.

29 0133 ✓

100. CORBETT, J. FRED
1906 June 5.

.7 c.f.s.

Said water to be diverted through a ditch having intake North 16 degrees 35 minutes West 671 feet from the Southwest quarter corner of Section 9, Township 8 South, range 38 E. B. M.; and also through another ditch having intake 40 degrees West, 1688 feet from the Southwest corner of the Southeast quarter of said Section 9, same Township and Range, for the irrigation of the Southwest quarter of the Southwest quarter, of Section 3, Township 8 South, Range 38 E.B.M.

29 0134 ✓

101. BELLU, J. and
MORIOTTO, O.
1906 June 5.

1.2 c.f.s.

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

102. SMITH, JOSEPH A. ✓

29 0135 1907 Mar. 27.
29 0136 1912 Jun. 1

2.6 c.f.s.
1.4 c.f.s.

Said water to be diverted through a ditch having intake North 27 degrees 15 minutes West, 1331 feet from the South quarter corner, Section 9, Township 8 South, Range 38 E.B.M., for the irrigation of the South half of the Northeast quarter, and the Southeast quarter of Section 21; the West half of the Northeast quarter and the East half of the Northwest quarter of Section 28, Township 8 South, Range 38 E. B. M.

103. MOSS, COMMODORE EARL
29 0137 1907 March 27

1 c.f.s.

Said water to be diverted by means of a ditch, having intake North 27 degrees 15 minutes West, 1531 feet from the South quarter corner of Section 9, Township 8 South, Range 38 E. B. M., for the irrigation of the Southwest quarter of the Southwest quarter of Section 10; the West half of the Northwest quarter and the Northeast quarter of the Northwest quarter, Section 15, Township 8 South, Range 38 E.B.M.

104. HOUTZ, KARL D. ✓
29 0138 1908 June 1.

2.5 c.f.s.

Said water to be diverted through a ditch having intake West bank of Pebble Creek at a point in the Southwest quarter of the Southwest quarter of Section 36, Township 7 South, Range 37 E.B.M. for the irrigation of the East half of the Northwest quarter; the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter, Section 1, Township 8 South, Range 37 East B. M.

SCANNED

JUN 28 2005

PROFILED

MAY 15 1996

MAY 4 2001

Log for claim A29-00133

Spatial Dynamics LTD

6/8/00

TR	SEC	QQ	Acres Claimed	Acres 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	
Totals:			198	200.3	

AJ5809NP
No. A29-00133

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 36

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DONNA RAE MABEY 387 E 450 S CLEARFIELD UT 84015	06/05/1906	IRRIGATION	04-15 09-15	0.700 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.700 CFS	495.00 AFA
Water Source: PEBBLE CREEK		Tributary to: PORTNEUF RIVER			Stage: DECREED	

AJ5809NP
No. A29-00133

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 37

Point(s) of Diversion:

T08S R38E S08

SESE

CARIBOU County

AJ5809NP
No. A29-00133

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 38

Point(s) of Diversion: T08S R38E S09 NESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
08S	38E	3	:											07	36						43.0
08S	38E	4	:														38		38	39	115.0
08S	38E	9	:			40															40.0
																				TOTAL ACRES	198.0

POU County: CARIBOU

Other Rights: A29-00131/02048/02449.

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

29-12340 A29-00131 A29-00132 A29-00134 A29-00137 A29-02036 A29-02047 A29-02048 A29-02102

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00131 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

MAY 4 2001

#50 X
(ACREAGE PAID ON
A29-00131)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00133
Date Received: 1/24/1990
Receipt No: E012070
Received By: _____

Kenneth Taylor

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 05, 1906

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	0.700		

7. Total Quantity Appropriated is:
0.700 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

A2900133



A29-00133

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:
A29-00131/02048/02449.

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 Lee Mabey Date: 2/12/90

Date: _____

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

Subscribed and sworn (or affirmed) before me this 12th day
of FEBRUARY 19 90

Yusef C. Bleed
Notary Public

Seal

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

