

T3820 MABEY



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

3820

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

NOV 18 1993

November 16, 1993

Dona Rae Mabey
387 E. 450 South
Clearfield, Utah 84015

Department of Water Resources
Eastern District Office

RE: DENIED APPLICATION FOR TRANSFER NO. 3820 OF WATER RIGHT NO.
29-0131 AND 29-2449 IN THE NAME OF DONNA RAE MABEY

Dear Ms. Mabey:

The department will consider your letter of August 25, 1993 as a request for hearing in connection with the above referenced matter and will schedule and conduct a hearing. At the hearing you may wish to be represented by legal counsel or you may represent yourself.

Please advise the department of dates when you are available to attend a hearing which the department likely will schedule in Pocatello, Idaho.

If you have questions, please feel free to contact the department.

Sincerely,

A handwritten signature in black ink that reads 'L. Glen Saxton'. The signature is written in a cursive, flowing style.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

AUG 13 1993

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3820 OF)
WATER RIGHT NOS. 29-0131)
AND 29-2449 IN THE NAME OF)
DONNA RAE MABEY)
_____)

Department of Water Resources
Eastern District Office

ORDER DENYING TRANSFER

This matter having come before the Idaho Department of Water Resources (Department) during the review of application for transfer no. 3820 filed pursuant to Section 42-222, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. Water right no. 29-0131 is a decreed right issued to Joseph E. Corbett in the case of Union Grain and Elevator Co. vs. McCammon Ditch Co. et. al., Fifth Judicial District Court of Idaho, December 4, 1922. The right was decreed for diversion of 3.17 cfs of water from Pebble Creek with a priority of June 2, 1902 and appurtenant to lands in sections 4 and 9, Township 8S., Range 38E. Department records indicate that the present owner of the right is Donna Rae Mabey. Records of the Department indicate that this surface water right is normally subject to regulation by the watermaster of Water District No. 29, Portneuf River and tributaries. The right normally does not provide a full supply of water in any given irrigation season.

2. Water right no. 29-2449 is a licensed groundwater right issued to James W. Mabey for diversion of 2.22 cfs of water with a priority date of July 14, 1961 and appurtenant to 158 acres of land in sections 3 and 4, Township 8S., Range 38E. The groundwater right supplements lands irrigated by the Pebble Creek right.

3. On January 14, 1991, Donna Rae Mabey (applicant) filed an application for transfer of water right nos. 29-0131 and 29-2449 with the department. The transfer proposed an exchange of ground water and surface water under the above rights.

Specifically, the transfer proposed pumping 2.22 cfs of ground water from the well licensed under right 29-2449 and injecting this water into the Portneuf River in exchange for diverting 2.22 cfs of water upstream from Pebble Creek via a headgate and ditch which carries water under right 29-0131.

4. The application for transfer was protested by several canal companies which hold valid water rights and divert water downstream on the Portneuf River. The protests were withdrawn on condition that the applicant install accurate measuring devices on both the groundwater well and Pebble Creek diversions in order to monitor the exchange.

5. On July 29, 1991, the Department sent correspondence to the applicant advising that the protests had been withdrawn but that the application still required complete review under Section 42-222, Idaho Code. The applicant was advised that this review would include consideration of the fisheries resource of Pebble Creek. A copy of this correspondence was sent to the Idaho Department of Fish and Game (IDFG). The IDFG was concerned about dewatering the stream and potential impacts on fish habitat but recommended some temporary approval of the transfer during 1992 to allow opportunity to monitor flows in Pebble Creek during drought conditions.

6. On July 27, 1992, the Department granted temporary approval of the transfer for the 1992 irrigation season with certain conditions. One of the conditions stated that further consideration of the transfer would require the applicant to submit a technical study prior to the 1993 irrigation season, by qualified personnel which evaluates the potential impacts on the existing aquatic, fish and riparian habitat caused by the proposed exchange and reduction of water in Pebble Creek. Failure of the applicant to submit the technical study prior to the 1993 irrigation season would result in denial of the proposed transfer application.

7. On June 7, 1993, the Department sent the applicant a Notice of Pending Order Denying Application for Transfer No. 3820. This notice informed the applicant that the required technical study had not yet been received by the Department. The notice further informed the applicant that the application for transfer would be denied unless the applicant could show cause why said application should not be denied. The applicant was provided fifteen (15) days in which to show cause why said application should not be denied.

CONCLUSIONS OF LAW

1. Section 42-222(1), Idaho Code, provides direction and authority to the department in the review and approval of water right transfer applications. The statute states in part:

The director of the department of water resources shall examine all of the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code... In the event that the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same...

2. Section 42-1805(7), Idaho Code, further authorizes the director of the Department to:

...suspend the issuance of further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code...

3. The applicant has failed to provide the technical study which was required in order for the Department to further consider review and approval of the application for transfer.

4. Application for Transfer No. 3820 of Water Right nos. 29-0131 and 29-2449 should be denied.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 3820 of Water Right Nos. 29-0131 and 29-2449 is DENIED.

IT IS FURTHER ORDERED that the applicant is prohibited from diverting water from Pebble Creek in exchange for diverting and injecting groundwater into the Portneuf River.

Dated this 30TH day of July, 1993.


R. KEITH HIGGINSON, Director

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

June 7, 1993

RECEIVED

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JUN 09 1993

Department of Water Resources
Eastern District Office

Donna Rae Mabey
387 East 450 South
Clearfield, UT 84015

RE: Application for Transfer NO. 3820/Water Rights Nos. 29-00131
and 29-02449

NOTICE OF PENDING ORDER DENYING APPLICATION FOR TRANSFER

Dear Ms. Mabey:

On July 27, 1992, the Department granted temporary approval of the above referenced transfer application for the 1992 irrigation season only. One of the conditions of this temporary approval noted that further consideration of the transfer would require the applicant to submit a technical study prior to the 1993 irrigation season, by qualified personnel, which evaluates the potential impacts on the existing aquatic, fish and riparian habitat caused by the proposed exchange and reduction of water in Pebble Creek. An additional condition advised that failure of the applicant to submit the technical study prior to the 1993 irrigation season would result in denial of the proposed transfer application.

As of this date, the Department has not yet received the study which would allow further consideration for approval of the proposed transfer.

This letter is notice that the Department will deny your application for transfer within fifteen (15) days of the date of this letter unless you show cause why said application should not be denied. You may show cause by writing the Department at the above address. If the Department has not received a response from you within 15 days, the Department will issue an order denying the transfer.

Respectfully,


L. Glen Saxton, Chief
Water Allocation Bureau

cc: Eastern Region
Arlin Olson
Stan Wistisen



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

DEC 30 1991

Department of Water Resources
Eastern District Office

December 27, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Donna Rae Mabey
387 East 450 South
Clearfield, UT 84015

RE: Application for Transfer No. 3820/Water Right Nos. 29-00131
& 29-02449

NOTICE OF PENDING ORDER VOIDING TRANSFER

Dear Ms. Mabey:

In July, 1991, I wrote you a letter regarding an application for transfer you filed with the Department. The application proposes diversion of water from Pebble Creek, and compensation for the withdrawal by discharge from a ground water well to the Portneuf River. I asked for information regarding the exchange in my letter. I also sent a copy of my letter to the Idaho Department of Fish & Game. Fish & Game responded by opposing proposal. I have enclosed a copy of the Fish & Game letter for your reference.

This letter is notice that the Department will void your application for transfer within thirty (30) days of the date of this letter if the following information is not submitted:

1. A plan of monitoring that will guarantee diversion of ground water to the river during all times that water is being diverted from Pebble Creek. This proposal should monitor continuously both the withdrawal from Pebble Creek and coordinate it with discharges to the Portneuf River.

2. The concerns of the Idaho Department of Fish and Game should also be addressed.

Donna Rae Mabey
December 27, 1991
Page - 2

If the Department has not received a response from you within thirty (30) days, the Department will remove the application for transfer from its records.

Respectfully,

A handwritten signature in cursive script, appearing to read "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Eastern Region
Arlin Olson



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

July 27, 1992

RECEIVED

JUL 31 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Donna Rae Mabey
387 E. 450 S.
Clearfield, UT 84015

Department of Water Resources
Eastern District Office

Re: Temporary Approval of Transfer Application No. 3820 of Water Right No.s 29-0131 & 29-2449

Dear Ms. Mabey:

The Department authorizes temporary approval of Application for Transfer No. 3820 subject to the following conditions:

- 1) The diversion of groundwater from the well described under the transfer application and injection of this groundwater into the Portneuf River in exchange for diversion of an equal amount of water from Pebble Creek is authorized for the remainder of the 1992 irrigation season. The irrigation season in this area ends October 15, 1992.
- 2) This temporary approval is subject to control by the watermaster of State Water District No. 29, Portneuf River and tributaries.
- 3) On or before August 5, 1992, the applicant and/or lessee must install measuring devices of a type suitable to the Department at the diversion from Pebble Creek as well as the diversion from the groundwater well. The groundwater well measuring device must be capable of recording instantaneous flow as well as the total volume of water diverted. Both measuring devices must be accessible to the watermaster. No water shall be diverted this season after August 5, 1992 until measuring devices are installed.
- 4) On or before August 5, 1992, a lockable device shall be installed for the Pebble Creek diversion in a manner that will provide the watermaster suitable control of the diversion.
- 5) Diversion of water on or after August 5, 1992 without suitable measuring devices or lockable devices, or diversion of water from Pebble Creek when the groundwater well pump is not fully compensating for the Pebble Creek diversion, is considered an illegal diversion as defined under section 42-351(1). The applicant shall pay civil penalties of one hundred dollars (\$100) for each calendar day or portion thereof that the illegal diversion occurs. The applicant is also subject to injunctive action as provided in Chapter 3, Title 42, Idaho Code.

6) Prior to commencement of the next irrigation season, the applicant must submit a technical study by qualified personnel which evaluates potential impacts on the existing aquatic, fish and riparian habitat caused by the proposed exchange and reduction of water in Pebble Creek. Such study should address how the exchange can be accomplished while maintaining the existing fish, aquatic and riparian habitat. Data and information relative to this study should be gathered over the next three months since the Idaho Department of Fish and Game has identified the period of August through October as a critical period in which impacts to migrating juvenile trout in Pebble Creek may be particularly severe.

7) Failure of the applicant to submit the technical study prior to the following irrigation season will result in denial of the proposed transfer application.

8) If the Idaho Department of Fish and Game determines that flows in Pebble Creek between August 1 and October 30 of this year fall below the levels required to maintain the existing fish, aquatic and riparian habitat and/or are not sufficient for migrating juvenile trout, then the applicant must immediately cease diversion of water from Pebble Creek.

Questions concerning this temporary approval may be directed to this office.

Sincerely,


R. Keith Higginson
Director

cc: Stan Wistisen

Arlin Olson, Watermaster

IDWR - Eastern Regional Office

Tracy Trent, Regional Supervisor, Idaho Dept. of Fish and Game



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

July 29, 1991

JUL 31 1991

Department of Water Resources
Eastern District Office

Donna Rae Mabey
387 E. 450 S.
Clearfield, UT 84015

RE: Application for Transfer No. 3820/Water Right Nos. 29-00131
& 29-02449

Dear Ms. Mabey:

This office is reviewing your application for a transfer proposing to continue to divert Pebble Creek water after your right would normally be cut off, and compensating for the withdrawal of water by diverting ground water from an existing pump into the Portneuf River.

Ground water-surface water exchanges similar to the exchange you have proposed have been difficult to administer in the past. When the well is not operating for any reason, including power failure, prior water right holders are injured. A mere record of total diversion volume is not sufficient. Your pump must discharge into the Portneuf River at the same time and in the same quantities that you are withdrawing water from Pebble Creek. Monitoring requires either a large commitment of human resources, or expensive technical devices.

Your proposal to divert water from Pebble Creek will occur during low flow periods of the year. Exchanges as you have proposed must always be evaluated by those agencies which have a direct interest in the fisheries resource. I am forwarding a copy of this letter to the Idaho Department of Fish & Game, and will solicit their comments.

Despite the withdrawal of protests to your application for transfer, the Department of Water Resources is still required to

Donna Mabey
July 29, 1991
Page - 2

evaluate the application pursuant to Idaho Code § 42-222. I will wait for submittal of the requested information.

Sincerely,

A handwritten signature in cursive script, reading "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Eastern Region
Fish & Game

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESCOPY
Transfer No. _____APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name 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>~~3.17~~ 2.59*</u> | <u>Irrigation</u> | <u>4-15</u> to <u>9-15</u> |
| <u>29-02449</u> | <u>11-03-1961</u> | <u>2.22</u> | <u>Irrigation</u> | <u>4-01</u> to <u>10-31</u> |
- * right 29-00131 will be reduced to 2.22 cfs, this will reflect the exchange.
The exchange may only take place during the decreed irrigation season of 4-15 to 9-15.
2. Total amount of water being ~~transferred~~ ^{Exchanged} 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

PART 1

6. General Information:

a. Description of diversion system Headgate to ditch to pipeline and sprinklers used for Pebble Creek right.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

All rights are appurtenant to Mrs. Mabey's property. I want to put the well right directly into the Portneuf River and continue to use the Pebble Creek rights.

d. Remarks:

I will only exchange a maximum of 2.22 cfs. This amount will continue to be taken from the creek after the priorities of 6-25-1902 are cut while I pump 2.22 cfs into the Portneuf from my well as compensation/exchange.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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. 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)

6. 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	

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

Total acres 158

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 no _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.59 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)

2. 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	

3. 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	38 E	3									7								7
		4													38		38	39	115
		9			40														40

Total acres 162

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 58 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)

2. 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	

3. 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	3											36						36

Total acres 36

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. 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/~~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	
		SE	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	4													A		A	A	
		9		A															

Total acres _____

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

R38E

100N

Mile 67

4735

T. 7 S.

T. 8 S.

4734000m.N.

Mile 66

Prospect x BR 5265

42° 45'

24 MI.

BANCROFT 8 MI.

SODA SPRINGS

Pebble

30N

Mile 65

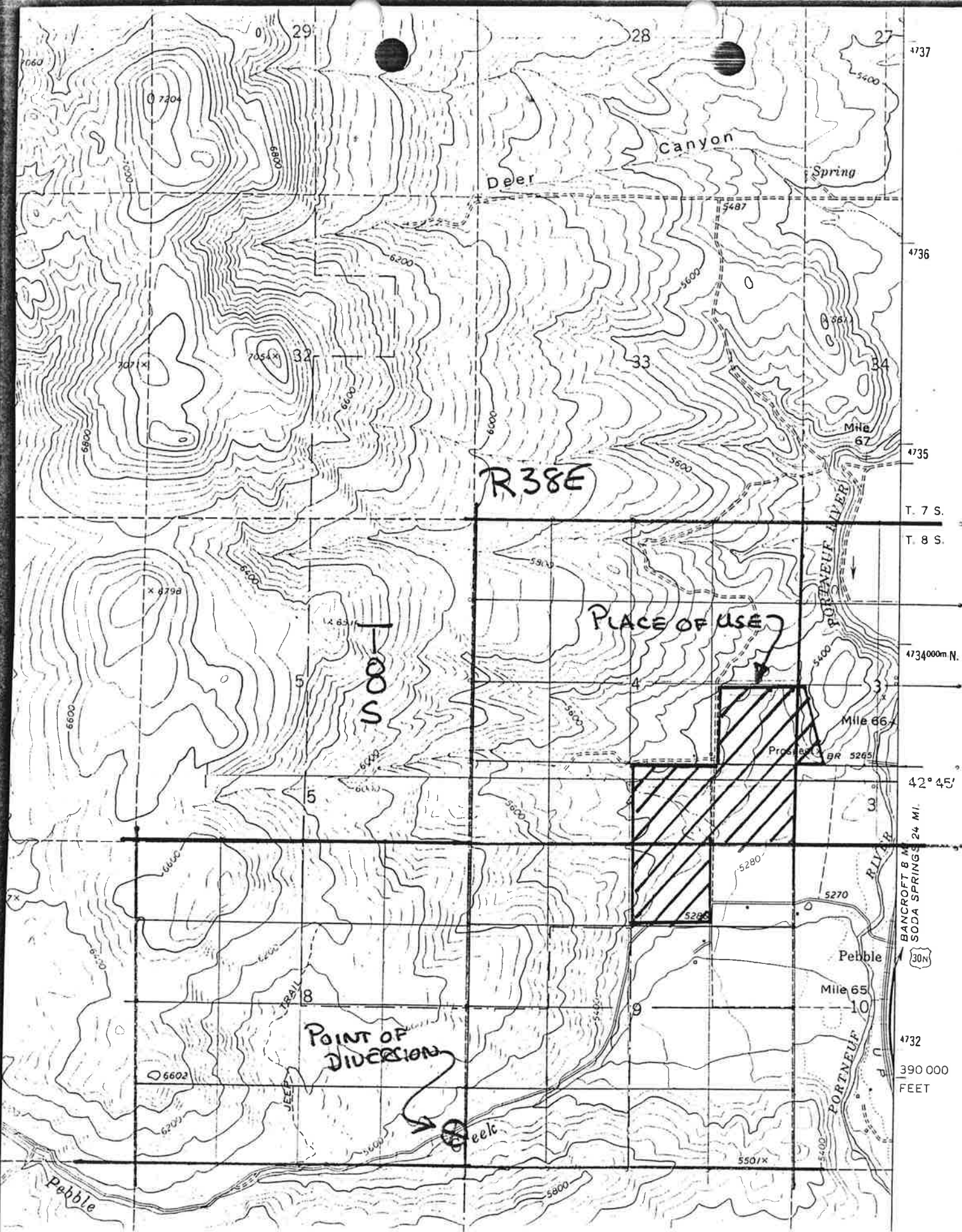
4732

390 000

FEET

Creek

55Q/X



R38E

PLACE OF USE

POINT OF DIVERSION

500

T. 7 S.

T. 8 S.

4734000m N.

42° 45'

24 MI.

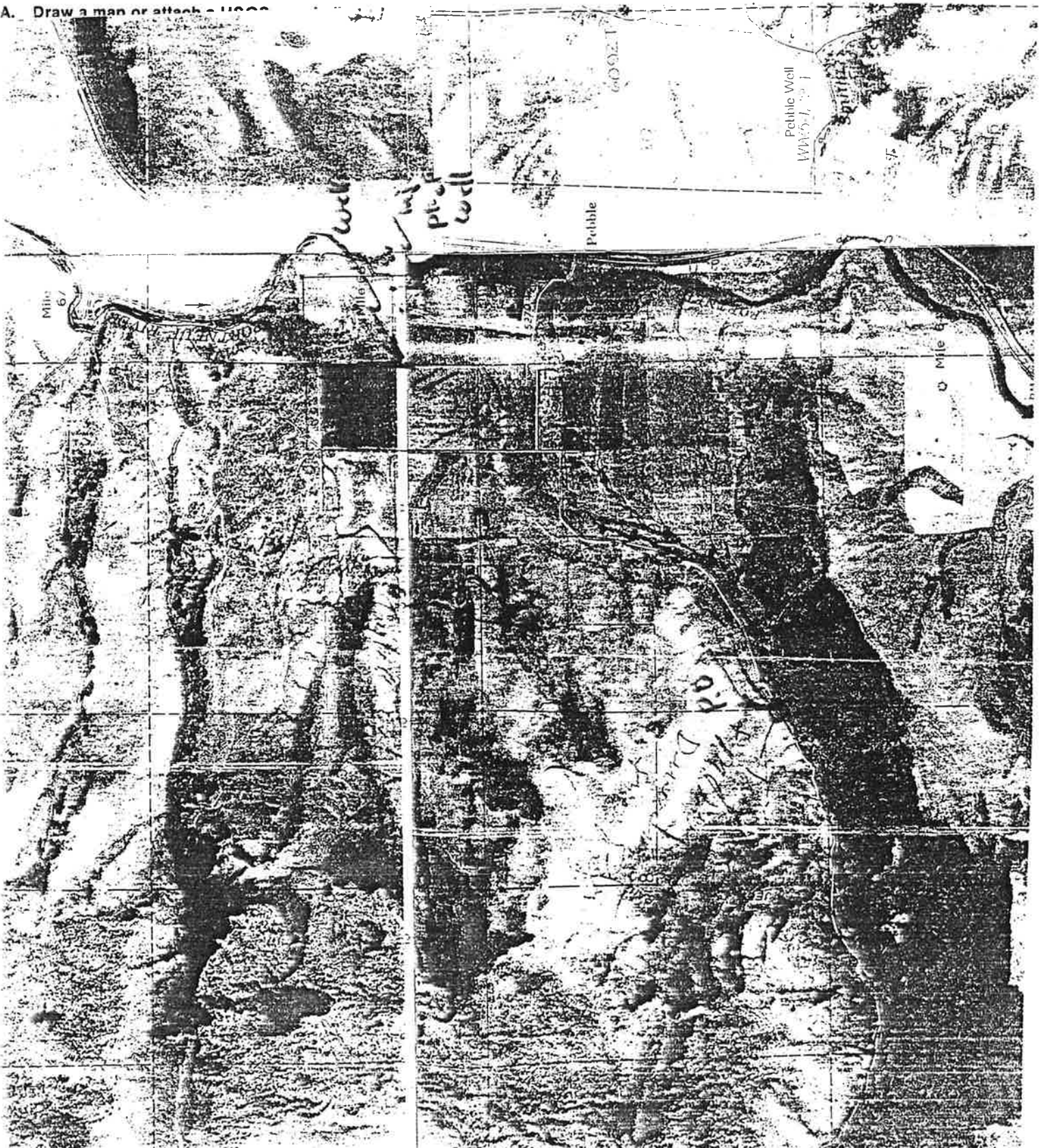
30N

4732

390 000
FEET

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

A. Draw a map or attach a USGS



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