

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

James J. Smedley or Elaine S. Holbrook or
Notice is hereby given that Sylvia S. Dix or Marian S. Harrisen
(Name of Claimant)

30 N. Main, Heber City, Utah 84032 Telephone No. 801-654-1031
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1890

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Mabey Canyon and Springs tributary to Sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	0.05 cfs	Use	Stockwater	Period of Use From 4-1	To 10-31
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.05 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
* ¼ * ¼, Sec. 22 Twp. 7S Rge. 40E B.M., County of Caribou
Additional points of diversion: *See item 6A, diversion in each 40 acre tract

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Stock drink directly from source

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	40E	22			X				X	X	X	X	X	X	X	X	X	X	

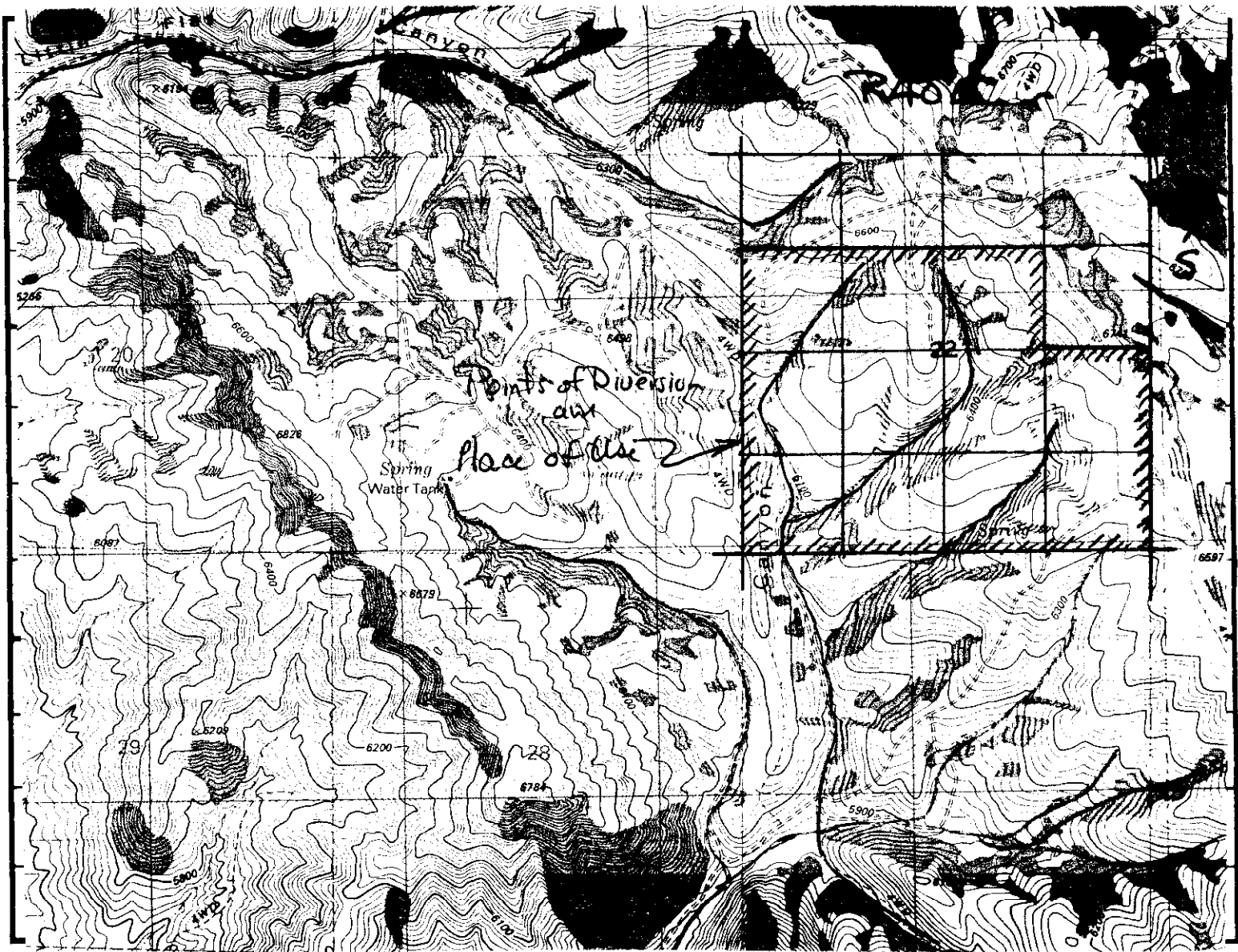
No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 140 head range cattle

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks Item #2, Mabey Canyon flows to Eighteen Mile Creek only
during high water otherwise it does not leave Mabey Property.
Item #6B, Stockwatering originally for sheep



Scale: 2 inches equal 1 mile.
1" = 24000'

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Idaho~~ Utah)
County of Wasatch) ss.

This supplements the claim heretofore
filed as per September 22, 1983, request
of Department of Water Resources.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

James J. Smagley
(Claimant)

Sworn to before me this 27 day of September, 1983.

Dune B. Tattou
Notary Public
Residing at Heber City, Utah

My commission expires August 12, 1986

MICROFILMED

CW 9-30-83		8-29-83		8-29-83	
Received by	CW	Date	6-29-83	Exception filed by:	
Prelim. check by	KCW	Date	10-6-83	Forwarded to	Date
\$30.00 fee received by	CW	Date	8-29-83	claimant by:	
Published in	<u>Heber City, Utah</u>				
Dates	<u>10/20/83 10/27/83</u>				

9/81
RECEIVED

JUN 29 1983

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of **Section 42-243, Idaho Code**, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), **Idaho Code**. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that James J Medley, Elaine S Holbrook
(Name of Claimant)
Infirmary 5 Dix & Maria S Harrison 30 North Main Street, York 84633
(Mailing Address) (Zip Code) Telephone No. 801-654-1031

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows: *as early as 1890, probably in*

(1) Date of priority: (When was the water first applied to a beneficial use) 1895 June, exact day not known
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source. Monroe Canyon (Nabiy Canyon) stream, tributary, & spring areas

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) located in Mabey Canyon tributary to Portneuf ^{conservation} head waters of the stream

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: during high water, other times ^{doc. not} W. Lewis H.

		(Both dates inclusive)	
(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity <u>.05 cfs</u>	Use <u>Stock</u>	Period of Use From <u>April 12</u>	To <u>Oct 31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) .05 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
 40 tract (each 1/4 each 1/4, Sec. 22 Twp. 75 Rge. 40 E B.M., County of Caribou except NE 1/4
 Additional points of diversion: NE 1/4 & NW 1/4 of NE 1/4

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. *stockwatering direct from stream source*

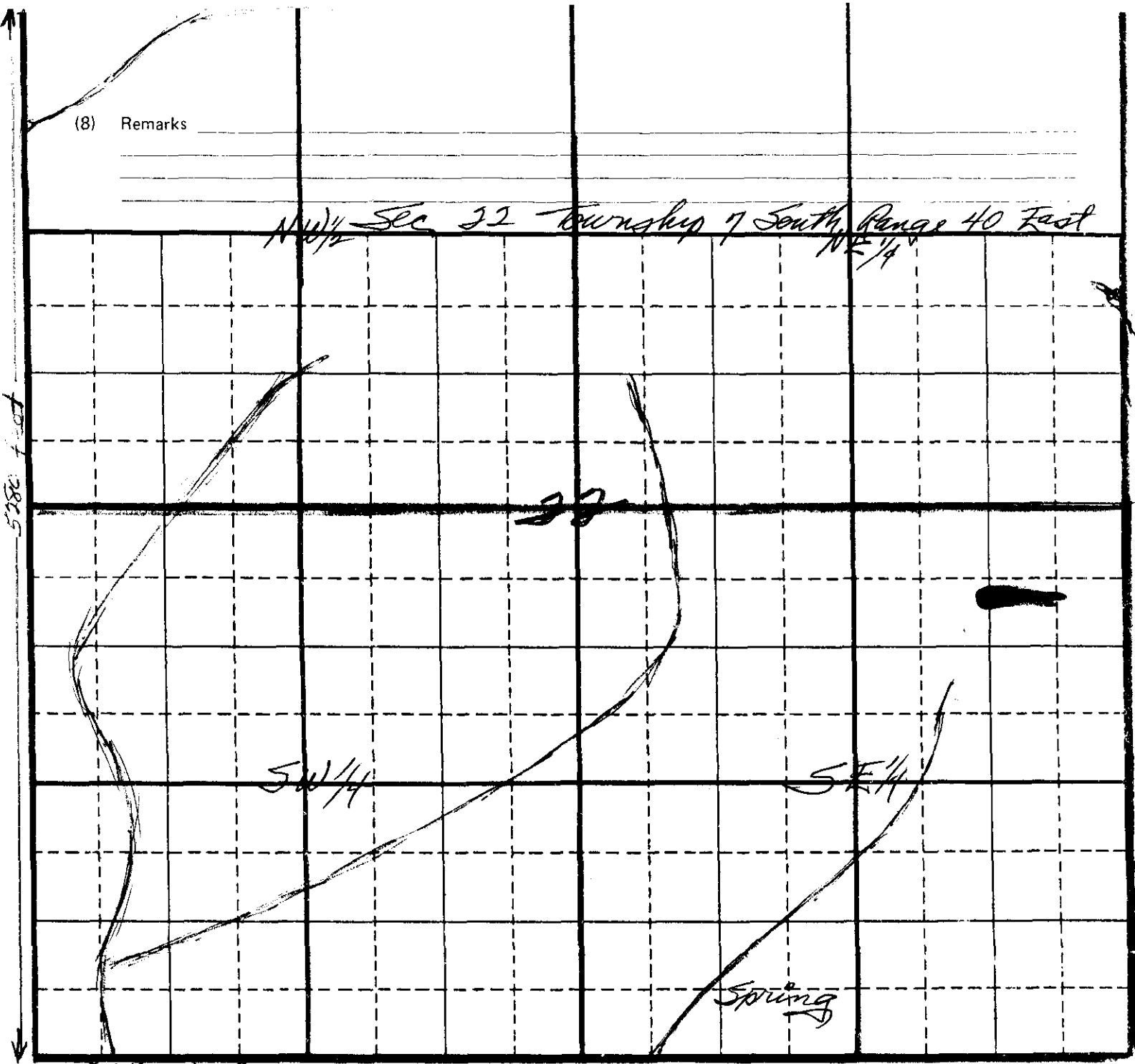
(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: *originally Sheep; now app 140 head of cattle*
If you are claiming water as a member of an organization, list name of organization:

(7) If you are claiming water as a member of an organization, list name of organization: _____



Scale: 1 inch = 660 feet

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

MICROFILMED

State of Utah)
County of Wasatch) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

James J. Amadley
Power of att for Elmer S
Holbrook, Marion S Harrison &
Sylvia S Dix
Sworn to before me this 27 day of June, 1983.
(Claimant)

Lune B. Tattow
Notary Public
Residing at Heber City, Utah

My commission expires August 12, 1986

Power of att for Elmer S

Received by CW Date 6-29-83 Exception filed by: _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by CW Date 8-29-83 #29646
Published in _____
Dates _____

POWER OF ATTORNEY

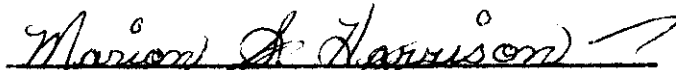
KNOW ALL MEN BY THESE PRESENTS:

That we, Marion S. Harrison, Sylvia S. Dix, and Elaine S. Holbrook, have made, constituted, and appointed, and by these presents do make, constitute, and appoint James J. Smedley of the State of Utah, our true and lawful attorney for us, and in our names, and on our behalf, to perform the acts and sign the papers necessary to lease, improve, perfect water rights, file claims, manage, and deal with the hereinafter described property in which we own an interest; said James J. Smedley is given the authority to do all things he deems necessary with the same validity as we could, if personally present; and we hereby ratify and confirm whatsoever our said attorney shall and may do, by virtue hereof.

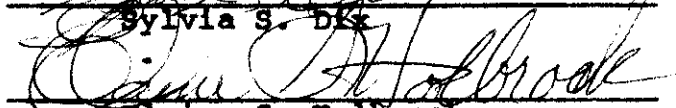
The power and authority hereby given and conferred is confined and limited to the following described property located in Caribou County, State of Idaho, to-wit:

All of Section 22, Township 7 South, Range 40 East

WITNESS, our hands this _____ day of May, 1983.


Marion S. Harrison


Sylvia S. Dix


Elaine S. Holbrook

MICROFILMED

STATE OF UTAH)
 : ss.
COUNTY OF WASATCH)

On the _____ day of May, 1983, Marion S. Harrison, Sylvia S. Dix, and Elaine S. Holbrook personally acknowledged to me that they were the signers of the foregoing instrument and that they executed the same.

June B. Tallow

NOTARY PUBLIC

My commission expires:

August 12, 1986

Residing at: *Heber City, Utah*

RECEIVED

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 circulation 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 seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached 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

20th day of October, 1983

The date of the last publication being the 27th day of October, 1983

Mark Steele

Subscribed and sworn to before me this 28th day of October, 1983

Clayton Steele
Notary Public, residing at Soda Springs, Idaho
(SEAL)

My Commission expires the 1st day of March 1984

NOTICE TO ADVERTISERS
The following have been filed for general use of the public:
SMITH, J. L.
HOLLAND, J. L. S.
DIX, M. V. A.
HARRIS, J. L. S.
39 NORTH MAIN, HEER
CITY OF HEER, IDAHO
39 NORTH MAIN, HEER
trib. to SINKS, 39 NORTH MAIN, HEER
SINKS, 39 NORTH MAIN, HEER
Published Oct. 20 and 27, 1983
in the Caribou County Sun.

MICROFILMED

RECEIVED

NOV 8 1983

Department of Water Resources
Eastern District Office

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

PUBLIC NOTICE

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have
been filed on water right(s) cre-
ated by diversion and beneficial
use:

29-4450

SMEDLEY, JAMES J.
HOLBROOK, ELAINE S.
DIX, SYLVIA S.
HARRISEN, MARIAN S.
30 NORTH MAIN, HEBER
CITY, UT 84032

Source: MABEY CANYON
trib. to SINKS SPRINGS trib. to
SINKS

Priority Date: 06-01-1890

Diversion Point: SWNE
SWNW SENW NESW NWSW
SWSW SESW NESE Sec 22 T
07S R 40E NWSE Sec 22 T 07S
R 40E SWSE SESE Sec 22 T 07S
R 40E

Use: STOCKWATER (0.05
CFS)

In: SWNE SWNW SENW
NESW NWSW SWSW SESW
NESE NWSE SWSE SESE Sec
22 T 07S R 40E

Exceptions to a claim may be
filed with the Director, Dept. of
Water Resources, 150 Shoup
Ave., Suite 15, Idaho Falls, Idaho
83402.

KEN DUNN

Director

Published Oct. 20 and 27, 1983
in the Caribou County Sun.

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;

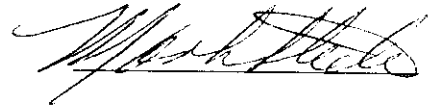
That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

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

20th day of
October, 1983

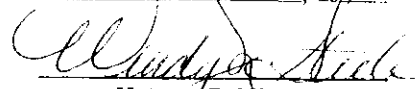
The date of the last publication
being the 27th day of

October, 1983



Subscribed and sworn to be-

fore me this 28th day
of October, 1983



Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March
1984.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

NOVEMBER 7, 1983

JAMES J. SMEDLEY
ELAINE S. HOLBROOK
SYLVIA S. DIX
MARIAN S. HARRISEN
30 NORTH MAIN
HEBER CITY

UT 84032

RE: Claim No. 29-4450

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MACROFILMED

November 8, 1983

RE: Claim to a Water Right No. 29-4450 SMEDLEY

Caribou County Sun
P.O. Box 815
Soda Springs, ID 83276

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on October 20 and 27, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

RECEIVED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: KETH C. WILSON

Right Number 00 29 4450

Applicant

JAMES J. SMEDLEY
ELAINE S. HOLBROOK
SYLVIA S. DIX
MARIAN S. HARRISON

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

Nov. 7, 1983

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

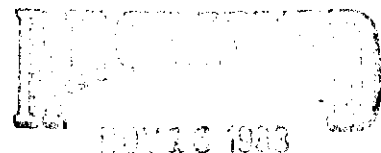
By Ernest Carlson Date Nov. 10, 1983.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By AC Date 11-16-83

MICROFILMED



Department of Water Resources

September 22, 1983

James J. Smedley
30 N. Main
Heber City, UT 84032

Dear Mr. Smedley:

Enclosed is a typed claim to a water right that was compiled from the original claim submitted. Please review the claim, sign in front of a notary and return to this office.

Please note item #1 was assumed to be June 1, 1890, and item #2 is explained in item #8 (remarks). Also the sources that are in the NW1/4 and SE1/4 are not listed in item #6A as these sources are different from Mabey Canyon and would require two additional claims to be filed. Stockwatering from a stream is a questionable beneficial use so you may not wish to file on those sources.

Please feel free to contact this office for any additional assistance.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:lp

Enclosure

J. J. SMEDLEY
TRUST ACCOUNT
23 WEST CENTER STREET
HEBER CITY, UTAH 84032

No. 706

June 28 19 83 31-5/1240

Pay to the order of Idaho Dept. of Water Resources \$ 30.00

Thirty and no/100 - - - - - Dollars

ZIONS
FIRST NATIONAL BANK
81 EAST CENTER
HEBER CITY, UTAH 84032

150 Shoup - Suite 15
Idaho Falls, Idaho 83401
(208) 525-7161

⑆⑆24000054⑆ 29 30051 4⑈

James J. Smedley
30 N. Main
Heber City, UT 84032

Dear Claimant:

This office is in receipt of a Claim to a Water Right filed in your name. Please be advised that the claim cannot be formally receipted until the following information is provided:

- _____ Complete name.
- _____ Complete mailing address.
- ✓ Date of priority (month, day, and year).
- ✓ Source of water. Streams or Springs tributary to Sinko
- _____ Quantity claimed to have been used.
- _____ Nature of use and period of use.
- ✓ Location of point(s) of diversion. Listed by quarter-quarter section, section, township, range and county
- ✓ Location of place of use (acres irrigated if water is claimed for irrigation). Not used for irrigation do not list 640 acres
- _____ Filing Fee (Amount \$ _____).
- ✓ Signature. Include a copy of Power of a Attorney
- _____ Notarization of signature.
- ✓ Other: Item 8 include information that spring(s) only tributary to Bottineuf during highwater. Map change scale to 8" = 1 mile
Also note enclosed "Keep Your Water" chart.

Please note that your claim has been stamped and initialed as received. If you amend this claim by adding the needed information and return the claim to this office no later than 60 days from the date of this letter, the original date submitted will be utilized for purposes of determining the appropriate filing fee.

Instructions for completing a Claim to a Water Right are included for your information. However, if you desire assistance, please feel free to contact this office.

Sincerely,

Keith C. Wilson

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 12, 1983

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 7, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

MICROFILMED

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 10/20 & 10/27/83.

29-4450

SMEDLEY, JAMES J.
HOLBROOK, ELAINE S.
DIX, SYLVIA S.
HARRISEN, MARIAN S.

30 NORTH MAIN, HEBER CITY, UT 84032

Source. MABEY CANYON trib. to SINKS
SPRINGS trib. to SINKS

Priority Date. 06/01/1890

Diversion Ft. SWNE SWNW SENW NESW NWSW EWSW SESW NESE Sec 22 T 07S R 40E NWSE
Sec 22 T 07S R 70E SWSE SESE Sec 22 T 07S R 40E

Use. STOCKWATER

(10.05 CFS)

Corrected
on computer
10/26/83
BP

In SWNE SWNW SENW NESW NWSW EWSW SESW NESE NWSE SWSE SESE Sec 22 T 07S R 40E

REPROFILED

Corrected
with newspaper
10/25/83
BP

PUBLIC NOTICE

First Time Published

**NOTICE OF CLAIMS TO
WATER RIGHTS**

The following claim(s) have
been filed on water right(s) cre-
ated by diversion and beneficial
use:

29-4450

**SMEDLEY, JAMES J.
HOLBROOK, ELAINE S.
DIX, SYLVIA S.
HARRISEN, MARIAN S.
30 NORTH MAIN, HEBER
CITY, UT 84032**

**Source: MABEY CANYON
trib. to SINKS SPRINGS trib. to
SINKS**

Priority Date: 06-01-1890

**Diversion Point: SWNE
SWNW SENW NESW NWSW
SWSW SESW NESE Sec 22 T
07S R 40E NWSE Sec 22 T 07S
R 70E SWSE SESE Sec 22 T 07S
R 40E 40E**

**Use: STOCKWATER (0.05
CFS)**

**In: SWNE SWNW SENW
NESW NWSW SWSW SESW
NESE NWSE SWSE SESE Sec
22 T 07S R 40E**

**Exceptions to a claim may be
filed with the Director, Dept. of
Water Resources, 150 Shoup
Ave., Suite 15, Idaho Falls, Idaho
83402.**

KEN DUNN

Director

**Published Oct. 20 and 27, 1983
in the Caribou County Sun.**

*Corrected
on computer
10/26/83
BP*

*Corrected
with newspaper
10/25/83
BP*