

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 DON R. MABEY

(Name of Claimant)

2199 South 900 East, Bountiful, Utah

84010

Telephone No. (801) 292-5732

(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) April 1, 1890, ~~1930~~

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: Monroe Canyon (Mabey Canyon) Stream tributary to <sup>Swk's</sup> stream does not leave family ranch but does flow toward 18-Mile Creek which is tributary to the Portneuf River

(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  | <u>.040 cfs</u>            | Use                                 | <u>Stockwatering cattle</u> | Period of Use From <u>3-15</u>            | To <u>11-15</u>            |
| Quantity  | <u>.002 cfs</u>            | Use                                 | <u>Stockwatering horses</u> | Period of Use From <u>3-15</u>            | To <u>11-15</u>            |
| Quantity  | <u>.187 cfs</u>            | Use                                 | <u>Stockwatering sheep</u>  | Period of Use From <u>3-15</u>            | To <u>11-15</u>            |
| Quantity  | <u><del>.015 cfs</del></u> | Use                                 | <u>Domestic</u>             | Period of Use From <u><del>3-15</del></u> | To <u><del>12-31</del></u> |
| Quantity  | <u>.229</u>                | Use                                 |                             | Period of Use From                        | To                         |
| (4)       | <u><del>.244</del> cfs</u> | TOTAL QUANTITY USED.                |                             |                                           |                            |

(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

#1- NW ¼ NW ¼, Sec. 27 Twp. 7 S Rge. 40 E B.M., County of Caribou

Additional points of diversion: #2- SW ¼ NW ¼, #3- NW ¼ SW ¼, #4- SW ¼ SW ¼, #5- NE ¼ SW ¼, #6- NW ¼ SE ¼, and #7- NE ¼ SE ¼ all in Sec. 27, T7S R40E. Also #8- NE ¼ NE ¼ Sec. 33 T7S R40E

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. #1 through #7 the livestock drink from a series of ponds and directly from streams and springs. ~~#8 there is domestic use of the water. Today that domestic water is conveyed from a spring at point #5 to the place of use as shown on the map by a pipe.~~

(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.

As shown, place of use is the area where cattle drink although they graze over a much larger area.

| T  | R   | SEC. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | TOTAL |
|----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
|    |     |      | 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 |       |
| 7S | 40E | 27   |      |      |      |      |      | X    | X    |      | X    | X    | X    |      | X    | X    |      |      |       |
| 7S | 40E | 33   | X    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|    |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |

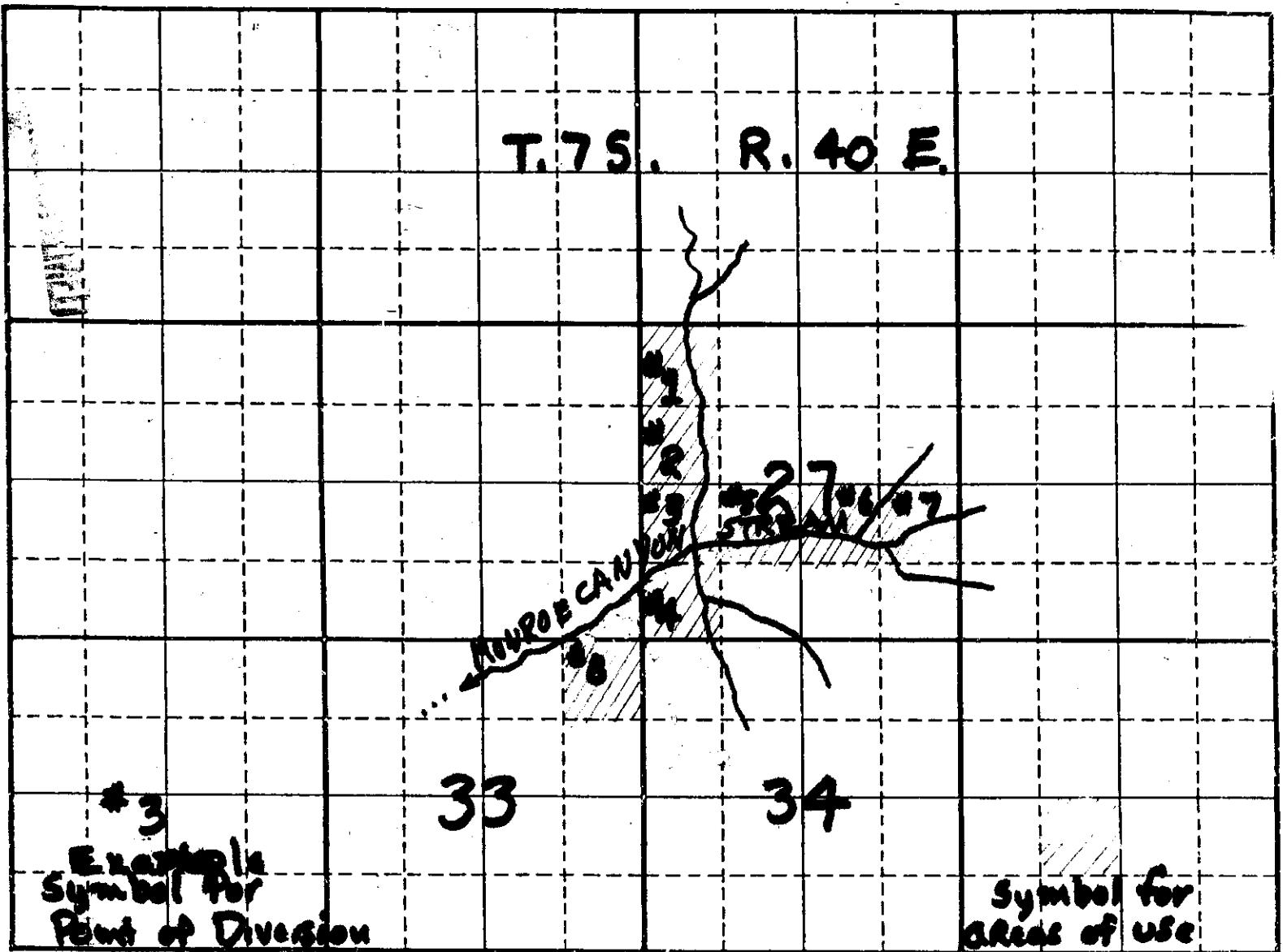
No. of acres \_\_\_\_\_

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used to provide drinking water for range livestock. ~~It is also used at point #8 for domestic purposes in a home.~~

NOTE: Include here the type and number of stock watered: 200 beef cattle, 10 horses, and 1700 sheep

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

(8) Remarks Water has been used by a single family ranching operation every year from time of settlement (1890) to the present to water the livestock associated with the ranch and the summer grazing. (See Affidavit). ~~In about 1930, the land at point #8 was homesteaded and at that time a residence was established as well as a domestic water right.~~



Scale: 2 Inches equal 1 mile.

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 Davis ) 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.

Sworn to before me this 30<sup>th</sup> day of June, 1983.

Don R. Hakey  
(Claimant)

Jackie Lynne Canyon  
Notary Public  
Residing at 179 W. 1090 So. Sandy UT

My commission expires October 29, 1986

|                                      |                            |                                 |              |
|--------------------------------------|----------------------------|---------------------------------|--------------|
| BP                                   |                            | 9/16/83 FOR DEPARTMENT USE ONLY |              |
| Received by <u>CW</u>                | Date <u>7-6-83</u>         | Exception filed by:             | Forwarded to |
| Prelim. check by <u>KCW</u>          | Date <u>9-28-83</u>        |                                 | claimant by: |
| \$30.00 fee received by <u>CW</u>    | Date <u>9/16/83 #29678</u> |                                 |              |
| Published in <u>Caribou City Sun</u> |                            |                                 |              |
| Dates <u>10/13 &amp; 10/20/83</u>    |                            |                                 |              |

# 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

13th day of  
October 1983

The date of the last publication

being the 20th day of  
October 1983

Subscribed and sworn to be-

fore me this 21st day  
of October 1983

Wendy A. Hite  
Notary Public, residing  
at Soda Springs, Idaho  
(SEAL)

My Commission expires the  
1st day of March

1984,

## 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:

29-4447

BARNETT, CORA M.  
505 SOUTH 1100 EAST,  
BOUNTIFUL, UT 84010

Source: MONROE CANYON  
trib. to SINKS

Priority Date: 04-01-1890

Diversion Point: SESE Sec 27  
T 07S R 40E NWNW Sec 34 T  
07S R 40E

Use: STOCKWATER (0.2290  
CFS)

In: SESE Sec 27 T 07S R 40E  
NWNW Sec 34 T 07S R 40E

29-4448

MABEY, DON R.  
2199 SOUTH 900 EAST,  
BOUNTIFUL, UT 84010

Source: MONROE CANYON  
trib. to SINKS

Priority Date: 04-01-1930

Diversion Point: NENE Sec 33  
T 07S R 40E NESW NWSE Sec  
27 T 07S R 40E

Use: DOMESTIC (0.0150  
CFS)

In: NENE Sec 33 T 07S R  
40E

29-4449

MABEY, DON R.  
2199 SOUTH 900 EAST,  
BOUNTIFUL, UT 84010

Source: MONROE CANYON  
trib. to SINKS

Priority Date: 04-01-1890

Diversion Point: NWNW  
SWNW NWSW SWSW NESW  
NWSE NESE Sec 27 T 07S R  
40E NENE Sec 33 T 07S R 40E

Use: STOCKWATER (0.2290  
CFS)

In: NWNW SWNW NESW  
NWSW SWSW NESE NWSE  
Sec 27 T 07S R 40E NENE Sec  
33 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. 13 and 20, 1983  
in the Caribou County Sun.

RECEIVED

RECEIVED

NOV 8 1983

Department of Water Resources  
Eastern District Office

INTER-DEPARTMENT MEMO — 1

FROM *Sharla*

DATE *11-17-83*

TO *File*

SUBJECT

*See correspondence in file 29-4448.*

---

SIGNATURE

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

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

OCTOBER 31, 1983

DON R. MABEY  
2199 SOUTH 900 EAST  
BOUNTIFUL UT 84010

RE. Claim No. 29-4449

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

RECORDED



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

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

October 31, 1983

|                                |                 |          |
|--------------------------------|-----------------|----------|
| RE: Claim to a Water Right No. | 24-4074 AMENDED | HADERLIE |
|                                | 29-4449         | MABEY    |
|                                | 29-4448         | "        |
|                                | 29-4447         | BARNETT  |
| Notice of Correction No.       | 13-7068         | GIBSON   |

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 13 and 20, 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:

Keith Carlson

DON R. MABEY

Right Number

29 4449

Applicant

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.

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.

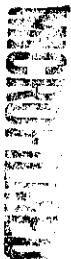
By

PC

Date

11-17-83

*Oct 31*



29-4449

MABEY, DON R.

2199 SOUTH 900 EAST, BOUNTIFUL, UT 84010

Source. MONROE CANYON trib. to SINKS

Priority Date. 04/01/1890

Diversion Pt. NNWN SWNW NWSW SWSW NESW NWSE NESE Sec 27 T 07S R 40E NENE  
Sec 33 T 07S R 40E

Use. STOCKWATER (0.2290 CFS)

In NNWN SWNW NESW NWSW SWSW NESE NWSE Sec 27 T 07S R 40E NENE  
Sec 33 T 07S R 40E



MICROFILMED

Don R. Mabe

2199 SOUTH 900 EAST, BOUNTIFUL, UT 84010

Source: MONROE CANYON trib. to SINKS

Priority Date: 04-01-1890

Diversion: ~~SWNW~~ NWNW  
~~SWNW~~ NWSW ~~SWSW~~ NESW  
~~NWSE~~ NESE Sec 27 T 07S R

Use: STOCKWATER (0.2290 CFS)

In: NWNW SWNW NESW  
 NWSW SWSW NESE NWSE  
 Sec 27 T 07S R 40E NENE Sec  
 33 T 07S R 40E

**29-4449**

**MABEY, DON R.**

**2199 SOUTH 900 EAST,**

**BOUNTIFUL, UT 84010**

**Source: MONROE CANYON**  
**trib. to SINKS**

**Priority Date: 04-01-1890**

**Diversion: ~~SWNW~~ NWNW**  
**~~SWNW~~ NWSW ~~SWSW~~ NESW**  
**~~NWSE~~ NESE Sec 27 T 07S R**

**40E NENE Sec 33 T 07S R 40E**

**Use: STOCKWATER (0.2290**  
**CFS)**

**In: NWNW SWNW NESW**  
**NWSW SWSW NESE NWSE**  
**Sec 27 T 07S R 40E NENE Sec**  
**33 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. 13 and 20, 1983**  
**in the Caribou County Sun.**