

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 J. Emerson Mabey (Name of Claimant)
Bancroft, Idaho 83217 (Mailing Address) Telephone No. 6487885 (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 22, 1892

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)
Monrow 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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	1.20CFS	Use	Irrigation	Period of Use From April 1	To Nov 1
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) 1.20CFS TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NE ¼, Sec. 33 Twp. 7S Rge. 40E B.M., County of Caribou
Additional points of diversion:

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. Diversion dam, Water piped ¼ Mile and sprinkler with pump

(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	33		10	20		10			20									60

No. of acres 60

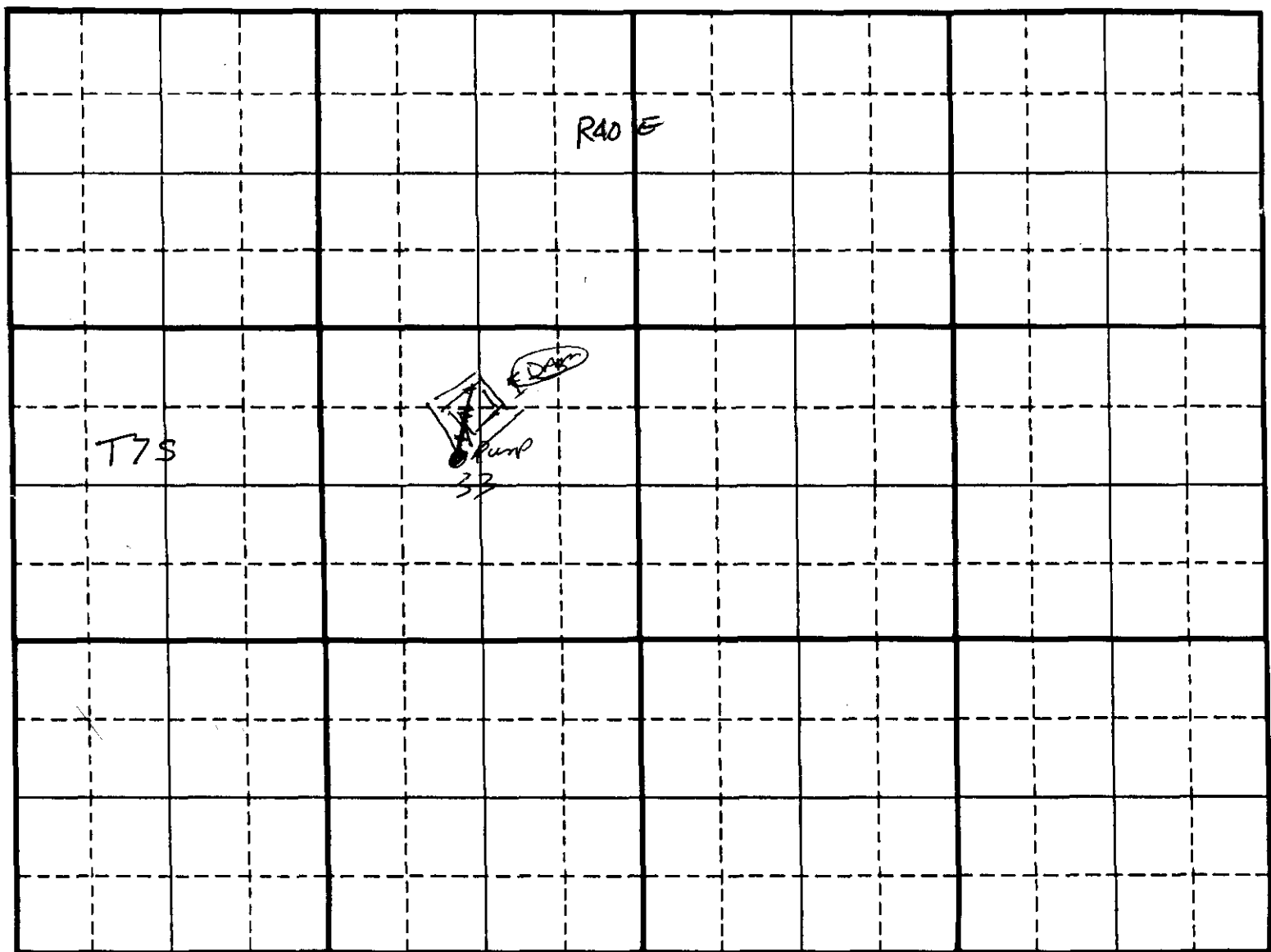
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

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

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(8) Remarks 7½ Hp Pump. Is located in SE NW ¼ Sec.33 Twp.7S Rge.40E



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)
County of Bonn) 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 4 day of June, 1980
William R. Rhoads
Notary Public
Residing at Edsall Falls

My commission expires _____

FOR DEPARTMENT USE ONLY
Received by BP Date 6-4-1980 Exception filed by: _____ Date _____
Prelim. check by SM Date _____
\$20.00 fee received by TT Date 6/4 # 4300 Adj. # 14863
Published in Caribou County Sun
Dates 6/19 & 6/26/80

Affidavit of Publication

RECEIVED

JUL 16 1980

Department of Water Resources
Eastern District Office

County of Caribou } ss.
State of Idaho }

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

19th day of
June, 1980

The date of the last publication
being the 26th day of
June, 1980

Subscribed and sworn to be-
fore me this 10th day
of July, 1980

Clayton J. Hite
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March
1984.

ok kw
7/16/80

THE CARIBOU COUNTY SUN
PUBLISHED WEEKLY
SODA SPRINGS, IDAHO
Subscription Rates
In Advance
Single Copies 10c
Six Months \$5.00
One Year \$9.00
Foreign Add \$2.00 per year
Second Class Postage Paid
at Soda Springs, Idaho
Post Office No. 100
Caribou County, Idaho
1980 at the Caribou County Sun

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Affidavit of Publication

RECEIVED

JUL 16 1980

Department of Water Resources
Eastern District Office

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his
oath, states:

PUBLIC NOTICE

First Time
Published

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the
following claim(s) to water
right(s) have been established by
diversion and application to
beneficial use:

29-4173

MABEY, J. EMERSON
BANCROFT, ID 83217

Source: MONROW SPRINGS
tributary to SINKS

Priority Date: 04-22-1892

Amount: 1.20 CFS

Diversion Point: NWNE Sec
33 T 07S R 40E, CARIBOU Co.

Use: IRRIGATION (1.20
CFS) from 04-01 to 11-01

Place of Use: NWNE SWNE
NENW SENW Sec 33 T 07S R
40E FOR 60 ACRES

Diversion Means: DAM,
PIPELINE, SPRINKLER &
PUMP.

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department
of Water Resources, 1515 Lincoln
Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Published June 19 and 26,
1980 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
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That the annexed notice was
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for 2 successive weekly
issues thereof, the date of the
first publication being the

19th day of

June, 1980

The date of the last publication

being the 26th day of

June, 1980

Subscribed and sworn to be-

fore me this 10th day

of July, 1980

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

My Commission expires the

1st day of March

19 80

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State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

Right Number 29 4173 Applicant J. Emerson Mobey

NOTE: 29-4173
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 7-25-1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Hansen Date 7/30/80

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

JULY 7, 1980

J. EMERSON MABEY
BANCROFT

ID 83217

RE: Claim No. 29-4173

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

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July 16, 1980

RE: Application for Amendment No. 27-7050 SIMPLOT
Claim to a Water Right No. 29-4173 MABEY
Application for Permit No. 29-7545 VIEHIWIG

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 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 June 12, 19, and 26, 1980.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

RECEIVED
JUL 22 1980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

JUNE 13, 1980

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 JULY 7, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED

Director

Published 6/19 & 6/25/80.

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29-4173

MABEY, J. EMERSON

BANCROFT, ID 83217

Source: MONROW SPRINGS tributary to SINKS

Priority Date: 04/22/1892

Amount: 1.20 CFS

Diversion Point: NWNE Sec 33 T 07S R 40E, CARIBOU Co.

Use: IRRIGATION (1.20 CFS) from 04/01 to 11/01

Place of Use: NWNE SWNE NENW SENW Sec 33 T 07S R 40E FOR 60 ACRES

Diversion Means: DAM, PIPELINE, SPRINKLER & PUMP.

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See Rules and Regulations
enclosed herewith

Jackson Real Estate Co.
Name of Sender
P. O. *Pocatello, Idaho*

No. *13146*

Application for Permit

To Appropriate the Public Waters of the State of Idaho

1. Name of Applicant: *Judson A. Mabey*

Postoffice address: *Bannock*

County: *Bannock* State: *Idaho*

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is *3 1/2* cubic feet per second.

3. Source of water supply: *Un named springs*

4. Location of point of diversion: *NW 1/4 Sec 27 T. 7 S. R. 40 E. B.M.*

County of *Bannock*

5. To be used for: *Irrigation*

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: *160* acres

(b) In the following legal subdivisions: *NE 1/4 NW 1/4; S 2 NW 1/4; NE 1/4 SE 1/4*

(A list of the lands to be irrigated may be appended as a part of this application)

Sec 32 Twp 7 S. R. 40 E. B.M.

II. Mining, milling power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated *H. P.* under *ft.* head.

(c) Is water to be returned to any stream:

(d) If so, name stream and locate point of return:

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6. Estimated cost of works: \$600⁵

7. Description of works for diversion:

I. Kind of work: Reservoir, dam and ditch
(Reservoir, dam, ditch, flume, pipes or otherwise)

II. Dimensions of works:

(a) Height of dam 7¹/₂ feet, length of dam at top 40 feet, length of dam at
(If height of dam will exceed 10 feet, send to State Engineer's Office for Regulations)

bottom 40 feet. Material used in construction concrete

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir: see remarks 2 acre feet.

(c) Size of headgate: Width 2 feet, height 1¹/₂ feet.

(d) Conduit ditch, width at bottom 1¹/₂ feet, width at water line
(State whether ditch, flume or pipe)

3 feet, depth of water 1 feet. Diameter of pipe: _____ inches. Average

grade per mile is 2.7 feet. Length of conduit is 2 miles and it crosses the fol-

lowing quarter sections: NN¹/₄, SW¹/₄ Sec 22; NW¹/₄, SE¹/₄ Sec
27; NN¹/₄, SW¹/₄ Sec 27; SE¹/₄ Sec 28; NW¹/₄,
NN¹/₄, SW¹/₄ Sec 33 Twp 7 S. R. 40 E. B. M.

8. The time required for the completion of the construction of such work is but years.

9. Time required for the complete application of the water to the proposed use is no
additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the
public waters of the State of Idaho as herein set forth.

Jackson A. Mabey
Applicant.

By Wm. Jackson Agent.

Remarks: The reservoir referred to will be forty
feet square, and seven feet deep, and constructed
of concrete.

There are a number of small springs arising
in the E¹/₂ of the N¹/₄ of Section 22 and in the
E¹/₂ of Sec 27, Twp 7 S. R. 40 E. B. M. which will
be developed and conveyed to a common diverting
point in the NN¹/₄, SW¹/₄ Sec 27 said Twp and Range,
from where the water will be conveyed to the
land to be irrigated. About one half of the water
applied for will come from the springs in Sec 22
and about one-half from Sec 27 as above mentioned.

Permit No. _____

Application For Extension of Time For Completion of Works

Judson A. Mabey of Panorama Idaho
State of _____, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 11083

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by April 2nd, 1916

That he has heretofore performed the following work described under said permit:

Development of the springs and
completion of all ditches in every
detail also excavation for the Reservoir

costing \$ 350.00

THAT he is unable to complete the remainder of the work within the required time, for the follow-
ing reasons, to-wit:

That the recent work on the
Reservoir cannot be done properly
until later in the season on account
of the cold and damp weather

WHEREFORE, He asks that the State Engineer extend the time for the completion of construc-
tion work under said permit, to October 1st, 1916

And further, deponent saith not

Subscribed and sworn to before me this Eighth day of February, 1916

Judson A. Mabey
H. Spurgeon

Notary Public.

My commission expires 3-7-1919

FEB - 9 1916

Date of receipt at office of State Engineer _____

APPROVAL OF STATE ENGINEER.

J. H. Smith
I, ~~xxx~~ King, State Engineer of the State of Idaho, hereby extend the time for the completion of
construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 11083,
to October 1st, 1916.

Witness my hand this 9th day of February, 1916.

(over)

J. H. Smith
State Engineer.

All of the springs applied for are located on land
in Government ownership.

APPROVAL OF STATE ENGINEER

The number of this permit is 11083

Recorded in Book 37 Page 11083 Approved April 2, 1915.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed on or before.....

Work to begin on or before June 1, 1915, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

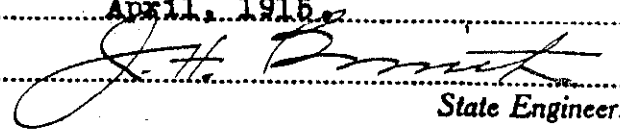
One-fifth of the work above specified to be completed on or before October 2, 1915.

The whole of said work to be completed on or before April 2, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before

April 2, 1916.

Witness my hand this 2nd day of April, 1915.


State Engineer.

John Griffiths, —

NOTICE OF WATER LOCATION.

Dated: April 22, 1892.

—Claimant.—

Recorded: Book 1 of Water Locations,
page 74 at 8:35 o'clock A. M.
Transcribed from Book D of
Water Locations, Page 39, records
of the County of Bingham. And
from Book 1 of Water Locations,
page 452, records of Bannock
County, State of Idaho.

Notice is hereby given that I John Griffiths, a citizen of the United States, over the age of twenty one years do claim and appropriate 300 inches of water flowing in what is known as Monro Creek, Bingham County, Idaho. Said waters is diverted by means of a ditch about 3 ft on the bottom and 16 inches deep and is taken out of said stream about three quarters of a mile above the narrows of a canyon in which said stream flows therefrom and running in a westerly direction to the land of the undersigned about 5/8 miles And further that I claim all the above named stream for mining, domestic and agricultural purposes; and that a notice of location has been posted on the ground of the diversion of said stream.

Dated this 22nd day of April 1892.

John Griffiths.

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