

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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)
_____)

NOTICE OF HEARING

On July 13, 1993, the Department of Water Resources (Department) denied an application for transfer filed by Donna Rae Mabey (Mabey). Mabey requested a hearing before the Department pursuant to Idaho Code § 42-1701A.

THE DEPARTMENT HAS SCHEDULED THE ABOVE REFERENCED MATTER FOR HEARING TO BE HELD ON FEBRUARY 14, 1996, FROM 1:30 TO 5:00 P.M., 2ND FLOOR CONFERENCE ROOM, POCA TELLO AIRPORT, POCA TELLO, IDAHO.

The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules and Procedure of the Department of Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the Department upon request. The hearing officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of the exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department at least ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 24th day of January, 1996.



Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24th day of January, 1996,
I mailed a true and correct copy, postage prepaid, of the
foregoing **NOTICE OF HEARING** to the following:

Donna Rae Mabey
387 E 450 S
Clearfield UT 84015

Stan Wistisen
Bancroft ID 83217

Idaho Department of Fish & Game
Attn: Jim Leukens
1345 Barton Road
Pocatello ID 83204-1819

Kris Rhodes
Kris Rhodes

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

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.

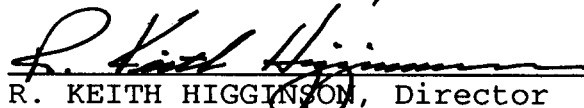
4. Application for Transfer No. 3820 of Water Right nos. 29-0131 and 29-2449 should be denied.

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF
BANNOCK

UNION GRAIN & ELEVATOR COMPANY, a corporation

Plaintiff,

-VS-

McCammon Ditch Co., a corporation, Defendants

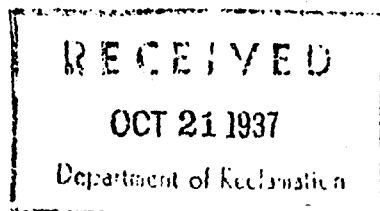
McCammon Ditch Company, a corporation; Portneuf Irrigating Company, a corporation; Sunnyside Ditch Company, a corporation; Topaz Irrigation Company, a corporation; Dempsey Irrigation Company, a corporation; Toponce Canal Company, Limited, a corporation; Portneuf-Marsh Valley Canal Company, Limited, a corporation; Portneuf Marsh Valley Irrigation Company, a corporation; Oregon Short Line Railroad Company, a corporation; Elizabeth Kinport, Administratrix of the estate of Harry B. Kinport, deceased; George Goodenough, William Lewis, Edward Murphy, C. C. Peoples, Charles West, A. J. Knollin, W. A. Hibner, Andrew Cutler, W. A. Barron, George Romriell, Frank Warner, John Symons, Joseph Simons, S. J. Palmer, W. W. Cooper, John Hall, Roe White, Willard Bell, Patrick Bell, J. F. Dunn, Charles J. McGuinn, Leslie Gillett, and Fish Creek Irrigating Company, a co-partnership composed of John Hall, Charles J. McGuinn, Frank C. Potter, J. F. Dunn and J. A. Eldredge,

Defendants.

The following parties were upon application of the attorneys for the plaintiff, by reason of the statute in such cases made and provided, afterwards brought in as parties defendant in order that a complete determination of the controversy could be had, to-wit:

Roy Faulkner, Kepler Sessions, Thomas J. Nipper, Stephen Grimm, George John, Emmel Byington, Frank Reed, Smith Ranch (Donald Monson and R. Monson), Charles Byington, James Byington, Noah Reese, Tom Hallinan, George A. Whitworth, J. T. Gittens, George Lewis, Joseph Cutler, Thomas E. Orgill, John Gooch, Fred Johnson, Ira Call, C. V. Call, Chris Call, Carl Loveland, Josiah Loveland, David Butterfield, Andrew Butterfield, Osmond Call, Earl Holbrook, Chester Call Estate (Sarah Call, Administratrix), Arthur Naylor, Byrant Perkins, Parley Jensen, Forest Cornelison, West Side Canal Co., a corporation, I. E. Thompson, Ben D. Jensen, George Brangham, Jas. A. Eldredge, John Gooch, Robert Redford, Alma Hogan, Joseph Purvis, Dave Butterfield, Thomas J. Nipper, Thomas J. Nipper, M. Whitworth, John Whitworth, Neal Williams, J. Buckindorf, J. F. Corbett, Peter Zadron, Joseph Smith, Earl Moss, E. J. Dolbeer, Hall City Ditch, a co-partnership composed of C. J. McGuinn, Rebecca Warner, A. W. Hall, John Hall Estate, Thomas F. Terrell, Mrs. J. G. Bristol, Lesli Sharp, Lew White, Leslie Bowden, James Kofoed, David Aslett, James C. Allen, Mrs. Anna Norton, Lee Merrick, Rebecca Warner, John Potter, George Harrison, A. M. Boyce, J. H. Maughn, G. H. Maughn, F. D. Fagnent, Nephi Hemmingway, F. V. Briscoe, Clarence Avery, John N. Avery, John Byington, W. R. Godfrey, Alonzo Avery, Jesse Avery, J. M. Jensen, W. Leo Jensen, Claud Jensen, Arthur Roswell, H. A. Weddell, Ray Bloxum, Charles Strom, Joseph Bell, Herbert Byington, John Ramsey, H. K. Ward, C. F. Potter, Adrian Campbell, Ira Byington, Alfred Baker, Charley Bell, Ernest Byington, D. A. Monroe Martin, O. K. Exum, A. A. Kofoed, Tom Harper, Brady Stolpe, Spencer Godfrey, A. B. Cheney, Bert Lish, Archie Lish, James Higgins, John M. Fairchilds, Foster, Edward Wilmore, Edgar Beebe, James T. Benson, Arthur Fopront, Ray Kedley, James Roddy, George Chapman, D. K. Merrick, L. S. Wight, Leo

Corrected Copy



568.

Reviewed & Coded
HWT 1985

DECREE

Union Grain & Elev.

VS.

McCammen Ditch, et al.

29781

Hansen, Reuben Hansen, Nephi Liljenquist, H. Hawkes, R. L. Redford, Earl Lloyd, Daniel Lloyd, Nels Hogan, Alma Hogan, William Higginson, Robert Higginson, George Higginson, Thomas Hatch, Margaret Hatch, Administratrix estate of R. Hatch, Donald Monson, Charles Miles, Chesterfield Reservoir & Canal Company, a corporation.

J U D G M E N T

This Cause came on regularly for trial on the 26th day of September, 1931, before the Honorable John C. Rice, Judge of the Seventh Judicial District of the State of Idaho, presiding as Judge of the above entitled court, sitting without a jury, a jury having been expressly waived by the respective parties.

And the court having previously fixed the time and place for the hearing of the cause, and having caused the Clerk of the court to give notice in writing to the attorneys of record for all the parties to said action prior to the date set for the hearing of the same;

Messrs. Standrod & Standrod appeared on behalf of the plaintiff, Union Grain and Elevator Company, a corporation;

Messrs. Merrill & Merrill appeared on behalf of the following defendants and cross complainants, and their successors in interest, to-wit: A. J. Butterfield, Joseph Purvis and William F. Purvis (sometimes spoken of as Purvis Brothers), J. A. Eldredge, Joseph E. Corbett, J. Fred Corbett, E. F. Shore (successor to James Buckindorf), J. Bellu and O. Moriotto, Commodore Earl Moss, Earl D. Houtz, Thomas Hallinan, John W. Symons, George John, George A. Whitworth, F. A. Reed, James H. Byington, William R. Godfrey, A. A. Rowsell, Walter Rowsell, S. A. Rowsell and J. A. Rowsell, John Potter, M. Lucinda Byington, George Harrison, John N. Avery, Clarence Avery, J. A. Avery, Lee Merrick, Nephi Hemenway, George Harrison Maughan and John Raymond Maughan, George Harrison Maughan, John Raymond Maughan and Joseph Howard Maughan, First National Bank of Ogden, Charles Romriell, Archie Lish, A. B. Cheney, Ray Lish and Lester Romriell, Albert Lish, Village of McCammon, Idaho, Ameziah Henson, Brogham R. Green and Orson D. Robbins, Royal T. Hale, Samuel Orgill, G. H. Romriell, Portneuf Irrigating Company, a corporation, McCammon Ditch Company, a corporation;

Messrs. Black & Baum and Messrs. Merrill & Merrill appeared on behalf of the following defendants and cross complainants, to-wit: Portneuf Marsh Valley Canal Company, a corporation; Dempsey Irrigating Company, a corporation; Topaz Irrigation Company, a corporation; McCammon Ditch Company, a corporation; Fish Creek Irrigation Company, a corporation;

Messrs. Black & Baum appeared on behalf of the defendant, George Goodenough;

H. B. Thompson, Esq., appeared on behalf of the Oregon Short Line Railroad Company, a corporation;

Jones, Pomeroy & Jones appeared on behalf of the defendant and cross complainant, Noah Reese; and

Isaac McDougall, Esq., also appeared on behalf of the defendant, Portneuf Marsh Valley Canal Company, a corporation;

There being no further appearance either in person or by attorneys;

Thereupon witnesses were sworn and examined on behalf of the plaintiff and defendants herein, and documentary evidence was offered and received by and on behalf of the respective parties, and the testimony

closed. Arguments were submitted by the respective counsel and the cause was finally submitted to the court for its decision, and the court having duly considered all testimony, the arguments of counsel and being fully advised in the premises, has made and adopted its Findings of Fact and Conclusions of Law, and order judgment to be entered in accordance therewith.

29-0008

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED: That the Union Grain & Elevator Company, the plaintiff is entitled to and that it have at all times during each and every year hereafter, the right to use and the use continuously of fifty-eight and twenty-seven hundredths (58.27) cubic feet per second of time of the waters of the said Portneuf River hereinafter described for the purpose of producing and generating power to operate its flour mill known as the McCammon Mill situated as hereinafter more fully described, and the machinery and elevators therein and connected therewith, and for the purpose of generating electricity to light the said mill and mill premises, its right to the use of said waters to date from the 1st day of July, 1892; the said waters to be diverted through the canal, conduit, mill race or flume conveying the said water from the said Portneuf River to the penstock and water wheel whereby the power for running the machinery and elevators and for generating electricity is produced, the said diversion of said water being from a point on the west bank of the said Portneuf River in the Northwest quarter of Section twelve (12), Township nine (9) South, Range 36 E.B.M., from the Northwest quarter of Section twelve (12), township and range aforesaid, the point of diversion bears South fifty-three (53) degrees East, twenty-eight hundred ninety (2890) feet. The said mill being situated on the following described lands:

Commencing at corner number one, from which the closing corner of the line between sections one and twelve in Township nine (9), South of Range thirty-six (36) East of Boise Meridian in Idaho, lies north twenty-seven degrees and thirty minutes west, eleven hundred and fifty-six (1156) feet (on the left bank of Portneuf River); thence run South sixty-four degrees and forty-five minutes west, sixty-seven and one-half ($67\frac{1}{2}$) feet, to corner number two; thence South, Twenty-two degrees and thirty minutes east, forty-seven and one-half ($47\frac{1}{2}$) feet to corner number three; thence south sixty-seven degrees and thirty minutes west, fifty-six and one-half ($56\frac{1}{2}$) feet to corner number four; thence South nine degrees and forty-five minutes west, twenty-five (25) feet to corner number five; thence South, twenty-two degrees and thirty minutes east, two hundred and twenty (220) feet, to corner number six; thence North sixty-seven degrees and thirty minutes East, two hundred fourteen and one-tenth (214.1) feet to corner number seven; thence North thirty-seven degrees and thirty minutes West, three hundred and one and eighty-one one-hundredths (301.81) feet to the place of commencing, containing in all one acre more or less.

29-0009

That the said Plaintiff, the Union Grain & Elevator Company, have at all times during the irrigation season, the use of .14 cubic feet per second of time of the waters of said Portneuf River, its right to the use of the same to date from the 1st day of July, 1902, which said waters shall be used upon and become appurtenant to the land owned by said plaintiff in Lot 1, Section 12, Township 9 South, Range 36 E.B.M., the said waters to be diverted through what is known as the Lewis-Goodenough Ditch diverting from the Portneuf River on the North bank in Lot one (1), Section twelve (12), Township nine (9) South, Range 36 E.B.M.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That the following named persons and corporations, defendants and cross-complainants in this action, have the right to the use of the waters of the said Portneuf River, and the tributaries thereof, and springs, the sources of

29781

129
96. WHITWORTH, JOHN T.
1902 June 17.

.40 c.f.s. Said water to be diverted through the Whitworth Ditch which diverts from Smith Creek in the Northeast quarter of the Southwest quarter, Section 11, Township 7 South, Range 38 East. From the West quarter corner of Section 11, Township 7 South, Range 38 East, the point of diversion bears South 73 degrees and 35 minutes East, 1998 feet, for domestic purposes and for the irrigation of 20 acres of land in the Southeast quarter of the Northeast quarter, Section 11, Township 7 South, Range 38 East.

PEBBLE CREEK TRIBUTARY TO THE PORTNEUF RIVER

29-0130
97. DENTON, ELIZABETH KINPORT
1902 June 17

3.1 c.f.s.

Said water to be diverted through three ditches, one having intake North 40 degrees West, 1668 feet from South quarter corner, Section 9, Township 8 South, Range 38, E.B.M.; another having its intake North 58 degrees 45 minutes West, 1685 feet from East quarter corner, Section 9, Township 8 South, Range 38, E.B.M.; and another having its intake North 20 degrees West, 1650 feet, from South quarter corner of Section 9, Township 8 South, Range 38, E.B.M., for the irrigation of the East half of the Northeast quarter, Section 9; the West half of the Northwest quarter, Section 10, Township 8 South, Range 38 E.B.M.

29-0131
98. CORBETT, JOSEPH E.
1902 June 25

3.17 c.f.s.

Said water to be diverted through a ditch having intake North 16 degrees 35 minutes West, 671 feet, from the Southwest corner of Section 9, Township 8 South, Range 38 East B.M., and also through another ditch having intake 40 degrees West, 1688 feet, from the Southwest corner of Southeast quarter of said Section 9, Township 8 South, Range 38 E.B.M., for the irrigation of the East half of the Southeast quarter, and the Southwest quarter of the Southeast quarter of Section 4, and the Northwest quarter of the Northeast quarter, Section 9, Township 8 South, Range 38 E.B.M.

29-0132
99. E. F. SHORE,
Successor to
BUCKENDORF, JAMES
1902 June 25

3 c.f.s.

Said water to be diverted through a ditch having intake North 40 degrees West 1688 feet from the Southwest corner of the Southeast quarter of Section 9, Township 8 South, Range 38 E.B.M.; and also through another ditch having intake North 27 degrees 15 minutes West 1531 feet from the Southwest corner of the Southeast quarter of Section 9, Township 8 South, Range 38 E.B.M.; and also through another ditch having intake in the Northeast quarter of the Southwest quarter of said Section 9, for the irrigation of the Southwest quarter of the Northeast quarter; the North half of the Southeast quarter, the South half of the Southeast quarter of Section 9, and

JOE WILLEY CREEK, TRIBUTARY TO TWENTY FOUR MILE CREEK.

CALL DITCH NO. 21, Diverts from Joe Willey Creek in the Southeast quarter of the Northeast quarter, Section 27, Township 6 South, Range 39 East. From the East quarter corner of Section 27, the point of diversion bears North 53 degrees and 25 minutes West, 952 feet.

CALL DITCH NO. 2, diverts from Joe Willey Creek in the Southwest quarter of the Southwest quarter, Section 27, Township 6 South, Range 39 East. From the Southwest corner of Section 27, the point of diverston bears North 61 degrees and 15 minutes East, 1210 feet.

24-0225 161. CALL, OSMOND
1883 May 1. .75 c.f.s.
(37.5 inches)

Said water to be diverted through the said Call Ditch No. 1, and Call Ditch No. 2, last above described, for the irrigation of 75 acres of land in the West half of the Southeast quarter, and the Southeast quarter, and the Southeast quarter of the Southwest quarter, Section 27, Township 6 South, Range 39 East.

29-0226 162. HOLBROOK, JONATHAN
1883 May 1. .19 c.f.s.
(9.4 inches)

Said water to be diverted through the said Call Ditch No. 1 and Call Ditch No. 2, last above described, for the irrigation of 9 3/8 acres of land in the Southeast quarter of the Northeast quarter, Section 33, Township 6, South, Range 39 East.

29-0227 163. CORNELISON, FORREST L.
1883 May 1. .06 c.f.s.
(3.1 inches)

Said water to be diverted through the said Call Ditch No. 1, and Call Ditch No 2, last above described, for the irrigation of 3 1/8 acres of land in the Northeast quarter of the Northeast quarter, Section 33, Township 6 South, Range 39 East.

The Court having found that 18-Mile Creek and Mose Canyon Creek are not tributaries to the Portneuf River,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That the following named persons so far as their rights to the waters of said Creeks are concerned, be dismissed from this action, to-wit:

Frank Butterfield, Robert L. Redford, Alma Hogan, E. A. Madison, Margarette Hatch, Adminsitatrix of the Estate of Ramson Hatch, Deceased, Nels Hogan, William Higginson, and Thomas Hatch.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That Sarah Harkness, Ernest Byington, John Byington, Charles Mills, Robert Redford, Charles Byington, C. F. Potter, Leslie Sharp, James Higgins, James Roddy, Alfred Baker, Chas. Bell, John Ramsey, Jesse Avery, A. M. Boyce, Ray Bloxum, Mrs. N. Norton, Joseph Bell, Arthur Naylor, E. J. Dolbeer, H. A. Weddell, Stepha Grimm and Will Bowers, have no right, title, interest or claim in or to any of the waters of the Portneuf River, or its tributaries and sources, and the parties and each of them, their agents, servants, attorneys, successors in interest and assigns, are perpetually enjoined from diverting or using any of the water of the Portneuf River, or its tributaries and sources.

No costs or disbursements are allowed to any of the parties to this action, but each shall pay his, her or its own costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That when the natural flow of the streams, the water of which is awarded by this decree, is not sufficient to furnish all parties claiming water therefrom with the full

29781

amount of water awarded to them, then such water shall be distributed in accordance with the priorities as hereinbefore decreed, and if the water is insufficient to furnish all rights which are of equal dignity, then the available supply of water shall be distributed pro rata among such rights of equal priority.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That the Irrigation Season mentioned in this judgment shall be that portion of the calendar year beginning on the 15th day of April and closing on the 15th day of September, being a total of five months, or 152 days; that the term Acre Feet, as used in this judgment, means and shall mean, 43,560 cubic feet of water, or the amount necessary to cover one acre of land one foot in depth;

That the Inches referred to in this judgment is such an amount of water which will pass through an orifice one inch square under a four-inch pressure, each second of time, being the 1-50 part of a cubic foot per second;

That the term Cubic Foot per Second as used in this judgment, is and shall be one cubic foot of water passing a definite, fixed cross-section per second of time.

That all water awarded by this judgment shall be measured at the point of diversion, except where conditions make it impossible so to do. Where it is so impossible, measuring devices or measuring stations shall be located at the nearest feasible point below said point of diversion;

That all canals diverting in excess of 30 cubic feet of water per second, must install a standard type of automatic register to be passed upon by the Commissioner of Reclamations and subject to review by this Court;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That the water hereby awarded has been applied to a beneficial use and that the parties to said action are the owners of the lands, reservoirs, dams, and ditches, which by the terms of this judgment are referred to respectively as the lands upon which the water awarded to them has been used by means of said dams, ditches, reservoirs and other works.

That all rights herein awarded to the plaintiff and several defendants and cross-complainants, are for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns shall have the right to divert any of the waters of the said Portneuf River, its tributaries and sources, except for beneficial use, and whenever such use has ceased, such party or parties shall cease to divert, and shall have no right to divert, the said waters, or any part thereof, and each and every of the parties hereto, their servants, attorneys, employees and successors in interest as aforesaid, are hereby enjoined and restrained from any and all interference with or diversion or use of the said waters, except in the manner, and to the extent, and for the purposes provided in this judgment, whenever such interference, diversion or use would in any manner interfere with the diversion or use of the water awarded by this judgment to any of the other parties to this action;

That the parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the state official charged with the duty of supervising the distribution of water, (subject to review by this Court). All such devices shall be of such design as to accurately register the amount of water so diverted, and in case of ditches diverting

more than 30 cubic feet per second, automatic measuring and registering devices shall be installed and shall at all times be subject to the inspection of any party to this action, or to any public officials or water masters having jurisdiction over the distribution and diversion of water, and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works, provided with such headgates, control works and measuring devices, except as in this judgment provided; and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the said Portneuf River, or its tributaries or sources any water through any ditch, conduit, or other devices not provided with such headgates, control works and measuring device; provided, that in case of diversions through pipes for power purposes or otherwise, measuring devices may be dispensed with where the quantity of water diverted may be otherwise determined by other means of calculation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the persons and corporations herein mentioned to whom rights are decreed, are the persons and corporations owning and having such rights as of date of the original decree herein, to-wit: of the 29th day of June, 1921, and that any assignees, grantees, heirs, devisees, and successors in interest of such parties, shall be deemed to have been substituted as parties to this action, and this decree shall establish the rights of such assignees, grantees, heirs, devisees and successors in interest the same as if they were named herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That this Court retain jurisdiction of this cause for one year from the date of the signing of this decree for the following purposes:

1. To make corrections for clerical errors, inadvertances and omissions in the rights decreed.
2. To review and amend the provisions of this judgment fixing, if necessary, the limits of the irrigation season, and further reducing the amount of water which may be shown during actual operation of the River, its tributaries and sources, to be in excess of the amount actually necessary for the successful production of crops.

Done in open District Court, this, the 6th day of August, 1932.

John C. Rice
DISTRICT JUDGE.

FILED
Grace L. Hall
Clerk, Auditor & Recorder
Bannock County, Idaho
Anna Keefe, Dep
Aug 8 1932 3 45 PM
Book 11 of Judgments, page 202.

STATE OF IDAHO,
County of Bannock

} ss.

I, ANNA KEEFE, Clerk of the District Court, Ex-Officio Auditor and Recorder in and for said County and State, hereby certify that the above and foregoing is a full, true and correct copy of the original DECREE File No. 2203

UNION GRAIN & ELEVATOR COMPANY, a corporation, Plaintiff,

vs

McCammon Ditch Co., a corporation, Defendants.

as the same appears of record or on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Pocatello, Idaho, this 20th day of October, 1937

By

Deputy

Anna Keefe
Clerk, District Court, Ex-Officio Auditor and Recorder

29781

MEMORANDUM

TO: Water Right File No. 29-0131
FROM: Kris Rhodes *KR*
RE: Copies of documents sent to Dan Mabey
DATE: March 5, 1996
=====

At the request of Gary Spackman, on March 5, 1996, I mailed various documents in water right file no. 29-0131 to Dan Mabey at the following address:

Dan Mabey
947 N Oakridge Dr
Farmington UT 84025

His phone number is: 801-538-8736.



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 16, 1993

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

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,

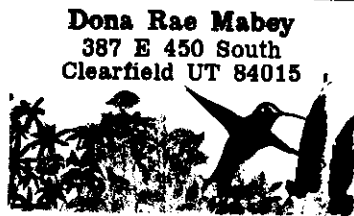
L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region

- Aug 25, 98

Dear Mr. Jim Johnson

I am formally requesting a hearing before the director. This request is in regard to transfer No 3820 of water rights No. 29-0131 and 29-2449



Sincerely

Dona Rae Mabey
and lessor.

Stan Westensen.

RECEIVED
AUG 31 1993
Department of Water Resources

INTER-DEPARTMENT MEMO

TO: File 29-01374 29-02449

SUBJECT: _____

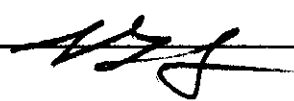
FROM: Glen SaylorDATE: 8-23-93

- Mrs. Maloney called today and advised she wants a hearing in conn. w/ the denial.

- I advised her she needs to request a hearing in writing. She said she would.

() For your information

() Response required


signature



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

August 5, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DONNA RAE MABEY
387 EAST 450 SOUTH
CLEARFIELD UT 84015

RE: Transfer No. 3820 of Water Right Nos. 29-0131 & 29-2449

Dear Ms. Mabey:

Enclosed please find an Order denying the above referenced transfer.

Please be advised that if you do not agree with the decision of the Department you may, within twenty eight (28) days of the receipt of the order, request a hearing before the Director. Failure to timely petition the Director within twenty eight days of receipt of the order may prevent you from further contesting the order.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3820APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name 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 to 9-15</u> |
| <u>29-02449</u> | <u>11-03-1961</u> | <u>2.22</u> | <u>Irrigation</u> | <u>4-01 to 10-31</u> |
- * right 29-00131 will be reduced to 2.22 cfs. This will reflect the exchange to Exchanged
The exchange may only take place during the decreed irrigation season of 4-15 to 9-15.
2. Total amount of water being 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

Total acres 162

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. 29-00131/02449

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

Witness my hand this _____ day of _____, 19 92

CHIEF, WATER ALLOC. BUREAU

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.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

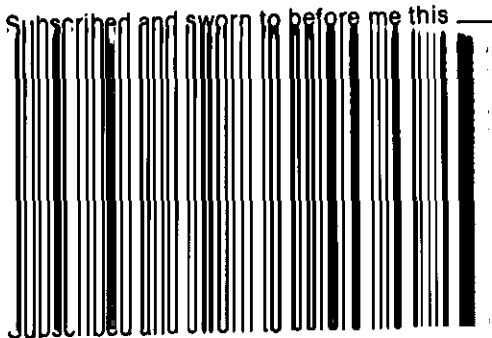
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 14th day of Jan., 1991.



[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires

Feb 14 1992**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by HWT Date 2-6-91

Protest filed by _____

Prelim. check by END Fee \$50.00Receipted by HWT * BOISSE Date 2-6-91Published in Laibon County Sun

Copies of protest forwarded by _____

Pub. dates 3-21 & 28-91

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

rec'd.

by RDC

Copy of transfer sent to lien holder _____

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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	¼	¼	¼	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 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	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	¼	¼	¼	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 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											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/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	1/4	1/4	1/4	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 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	4													A		A	A	
		9		A															

Total acres _____

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

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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)

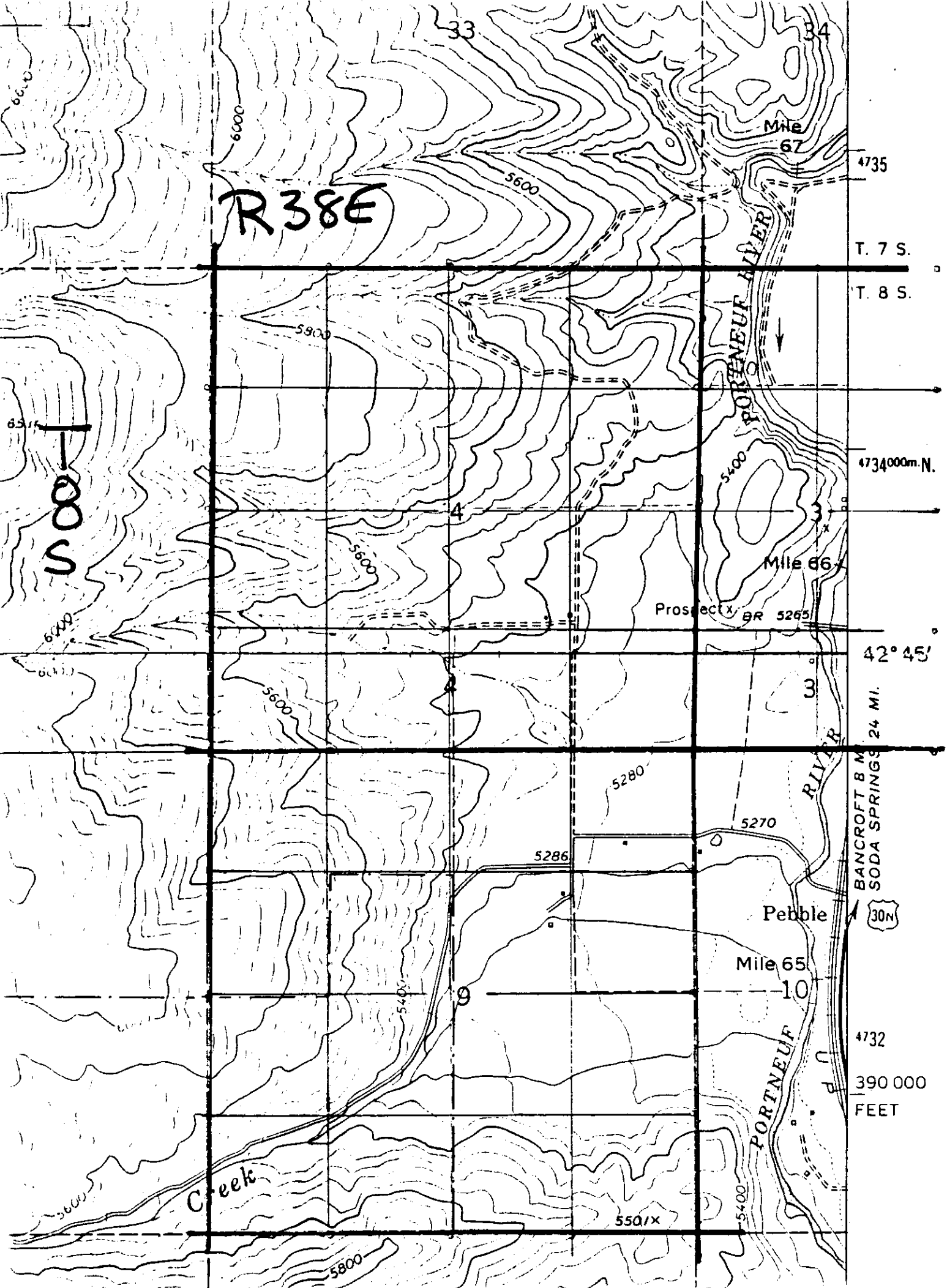
2. Point(s) of Diversion:

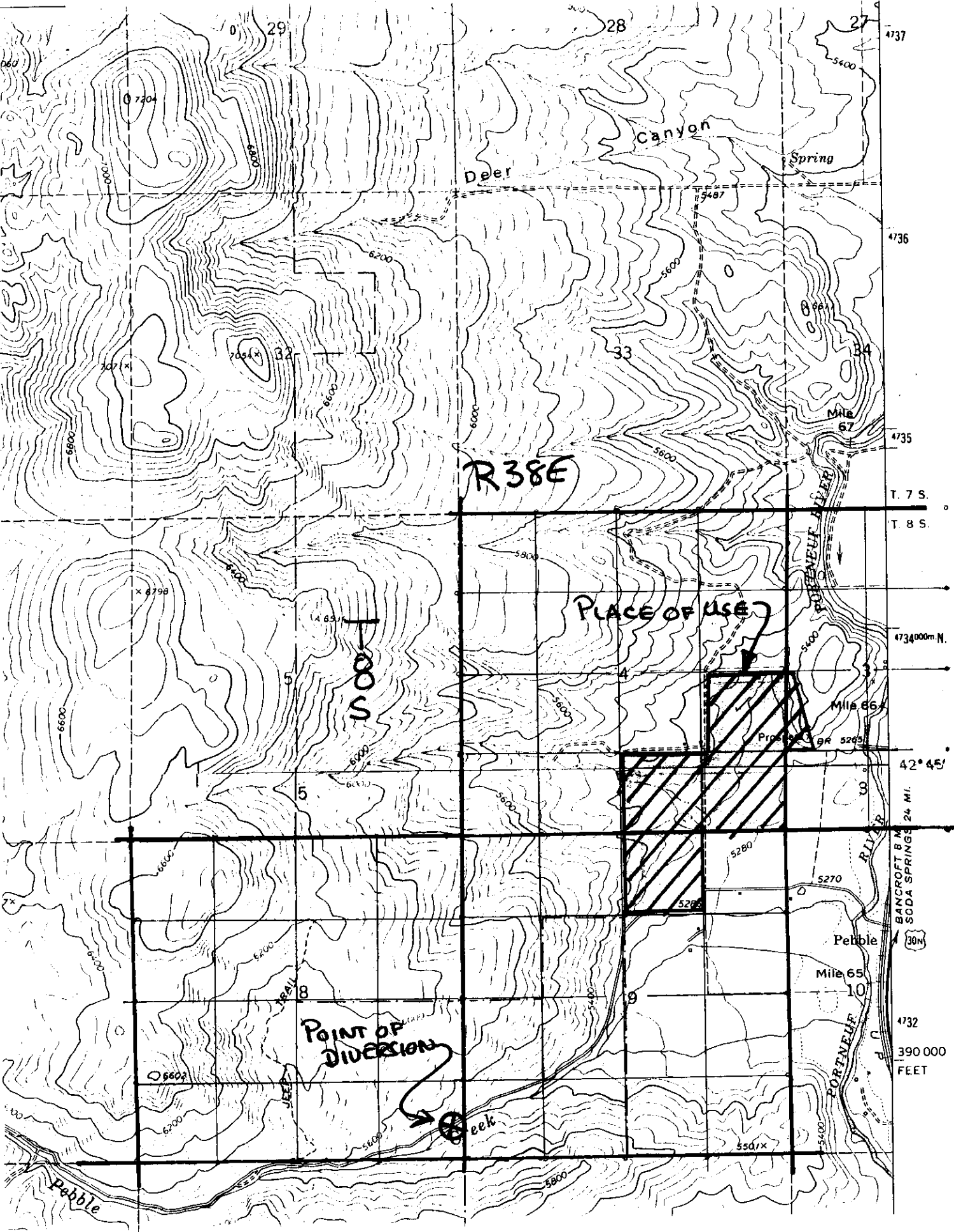
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

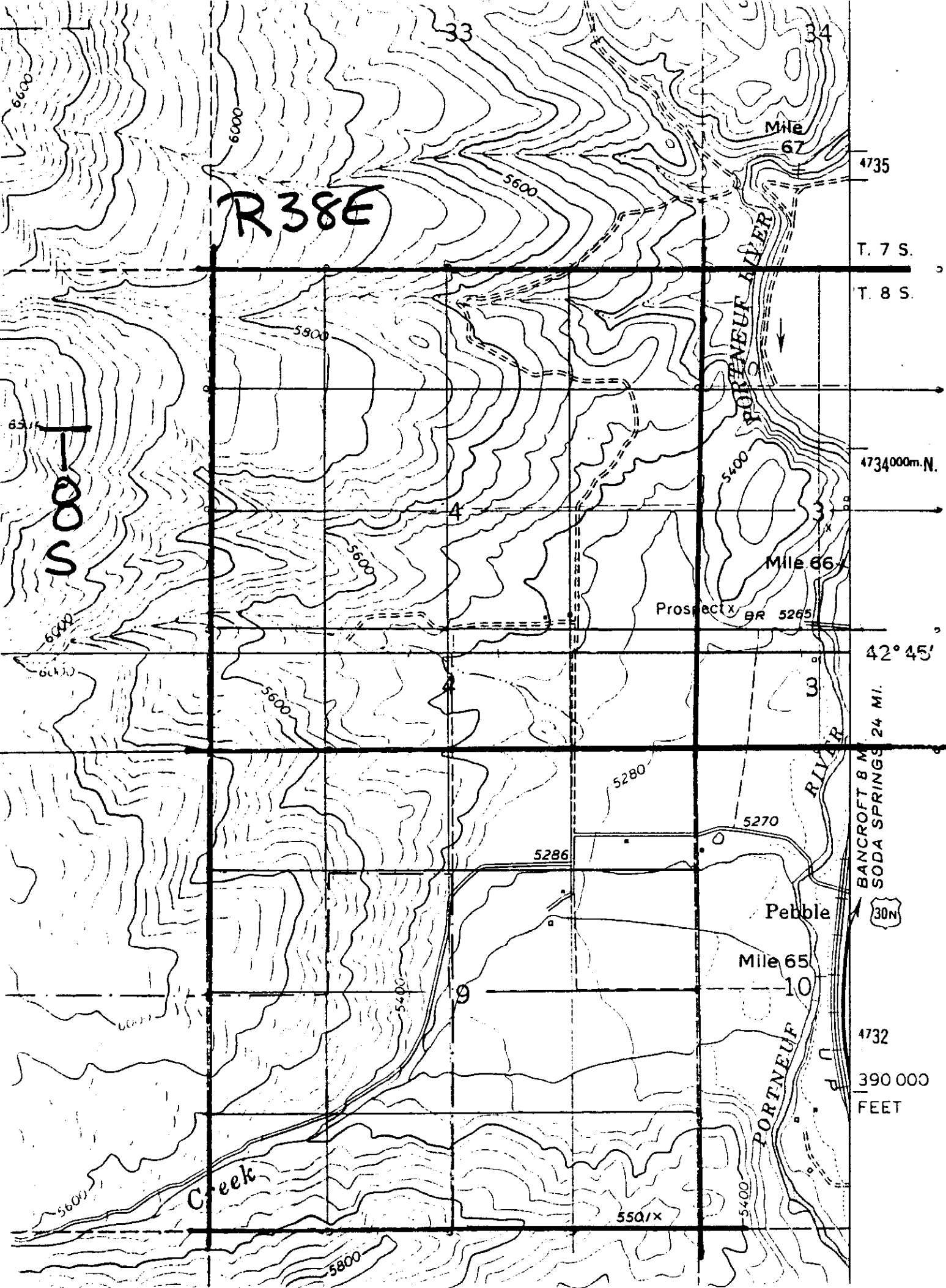
3. Lands irrigated or place of use:

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	

Total acres _____







R38E

500

Mile 67

4735

T. 7 S.

T. 8 S.

4734000m.N.

Mile 66

Prospect x GR 5265

42°45'

24 MI.

BANCROFT 8 MI.

SODA SPRINGS

30N

Pebble

Mile 65

4732

390 000
FEET

550/x

Creek

COUNTY PROPERTY TAX 1990			COUNTY SCHOOL DIST#149 BANCROFT CEM.	RATE .4546% .7871% .0048%	AMOUNT 47.31 81.91 0.50	RECEIPT FULL PAYMENT 129.72
TAX CODE AREA 5	PARCEL NUMBER 000000026740	BILL NUMBER R 2674				
40.00 ACRES NW1/4NE1/4 40 AC SEC9 T8S R38E						
MABEY, JAMES W. % MABEY, DONA RAE 387 EAST 450 SOUTH						
CLEARFIELD UT 84015 0000						
TOTAL TAXES			1.2465%	129.72		
TOTAL DUE					129.72	

ELLED CHECK IS YOUR RECEIPT

LEVY LISTS AT TAX COLLECTOR'S OFFICE

D TAX NOTICE AND RECEIPT

COUNTY PROPERTY TAX 1990			COUNTY SCHOOL DIST#149 BANCROFT CEM.	RATE .4546% .7871% .0048%	AMOUNT 137.23 237.60 1.45	RECEIPT FULL PAYMENT 376.28
TAX CODE AREA 5	PARCEL NUMBER 000000026630	BILL NUMBER R 2663				
148.00 ACRES W1/2SW1/4, SW1/4NW1/4, TR SE1/4 NW1/4 W OF RR, TR NE1/4SW1/4 W OF RIVER 147 AC. SEC 3, T8S R38E						
MABEY, JAMES W. % MABEY, DONA RAE 387 EAST 450 SOUTH						
CLEARFIELD UT 84015 0000						
TOTAL TAXES			1.2465%	376.28		
TOTAL DUE					376.28	

ELLED CHECK IS YOUR RECEIPT

LEVY LISTS AT TAX COLLECTOR'S OFFICE

D TAX NOTICE AND RECEIPT

COUNTY PROPERTY TAX 1990			COUNTY SCHOOL DIST#149 BANCROFT CEM.	RATE .4546% .7871% .0048%	AMOUNT 193.34 334.76 2.04	RECEIPT FULL PAYMENT 530.14
TAX CODE AREA 5	PARCEL NUMBER 000000026690	BILL NUMBER R 2669				
120.00 ACRES SW1/4SE1/4, E1/2SE1/4, 120 AC LESS 2.27 AC HW SEC 4 T8S R38E						
MABEY, JAMES W. % MABEY, DONA RAE 387 EAST 450 SOUTH						
CLEARFIELD UT 84015 0000						
TOTAL TAXES			1.2465%	530.14		
TOTAL DUE					530.14	

STATION PEBBLE CREEK NR PEBBLE ID ID 13072500
 PARAMETER Flow cfs STATISTIC Mean
 YEARS 09/1911-09/1914 DRAINAGE AREA 27.20 HYDROLOG UNIT 17040208
 SITE Code STREAM CONTRIB AREA 27.20 GEOLOGIC UNIT
 STATE ID GAGE DATUM 5460.00 AQUIFER TYPE
 COUNTY 16029 WELL DEPTH -1E+09 AGENCY USGS
 LATITUDE N42:44:00 SAMPLE XSEC -1E+09 AGENCY OFFICE 16
 LONGITUDE W112:02:00 SAMPLE DEPTH -1E+09 SEQUENCE NBR 0

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Year
Day Cnt	93	90	93	93	85	93	62	63	60	93	93	95	1013
Day Avg	17	10	7.7	6.9	6.6	7.4	29	102	89	23	12	9.7	23
Mon :	3	3	3	3	3	3	2	2	2	3	3	3	2
Max Mon	31	12	8.0	8.5	7.9	10	45	106	136	30	17	12	29
Max Yr	1913	1914	1914	1914	1914	1914	1913	1913	1912	1912	1912	1912	1912
Min Mon	9.5	9.0	7.0	6.0	6.0	5.7	11	96	42	19	7.5	7.7	25
Min Yr	1912	1912	1913	1913	1913	1912	1912	1912	1913	1913	1914	1914	1913
Mon Std	12	1.5	0.58	1.3	1.1	2.6	24	6.8	67	6.2	4.9	2.2	2.7
Mon Skw	1.71	1.52	-1.73	1.62	1.73	1.71	—	—	—	1.71	0.16	1.06	—

Years 1911-14

Gage Location - Above Forest Service Building, opposite the main property section
 line common to secs. 8 & 17, T 8S, R 38E. This is above
 NABO/Washington JAWG Division

```
STATION      : 13072500      PEBBLE CREEK NR PEBBLE ID
LOCATION      : LATITUDE N42:44:00, LONGITUDE W112:02:00, HYDROLOGICAL UNIT 17040208
DRAINAGE AREA : 27.20 mi2 (70.46 km2)
PERIOD OF RECORD: 09/1911 - 09/1914
GAGE ALTITUDE : 5460.00 (1664. m)
```

[illegible]

STATION : 13072500 PEBBLE CREEK NR PEBBLE ID

LOCATION : LATITUDE N42:44:00, LONGITUDE W112:02:00, HYDROLOGICAL UNIT 17040208

DRAINAGE AREA : 27.20 mi2 (70.46 km2)

PERIOD OF RECORD: 09/1911 - 09/1914

GAGE ALTITUDE : 5460.00 (1664. m)

Flow cfs WATER YEAR OCT 1911 TO SEP 1912													
	Mean												
DAY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Year
1	11	9.0	8.0	6.0	6.0	6.0	7.0	15	148	90	19	13	
2	11	9.0	8.0	6.0	6.0	6.0	7.0	15	143	75	19	13	
3	11	9.0	8.0	6.0	6.0	6.0	7.0	16	144	65	20	13	
4	10	9.0	8.0	6.0	6.0	6.0	7.0	17	146	55	20	13	
5	10	9.0	8.0	6.0	6.0	6.0	8.0	18	148	45	20	12	
6	10	9.0	8.0	6.0	6.0	6.0	8.0	25	150	35	20	12	
7	9.0	9.0	8.0	6.0	6.0	6.0	8.0	34	152	26	20	12	
8	9.0	9.0	8.0	6.0	6.0	6.0	9.0	82	153	26	20	12	
9	9.0	9.0	8.0	6.0	6.0	6.0	9.0	91	154	26	20	12	
10	9.0	9.0	8.0	6.0	6.0	6.0	9.0	73	172	25	18	12	
11	9.0	9.0	8.0	6.0	6.0	6.0	10	78	170	25	18	13	
12	9.0	9.0	8.0	6.0	6.0	6.0	10	83	165	25	18	13	
13	10	9.0	8.0	6.0	6.0	6.0	10	88	160	25	18	13	
14	10	9.0	8.0	7.0	6.0	6.0	11	94	150	25	17	13	
15	10	9.0	8.0	7.0	6.0	6.0	11	100	140	24	17	13	
16	10	9.0	8.0	7.0	6.0	5.0	11	136	130	24	17	12	
17	10	9.0	8.0	7.0	6.0	5.0	11	154	121	23	17	12	
18	10	9.0	8.0	7.0	6.0	5.0	11	121	104	23	16	12	
19	9.0	9.0	8.0	7.0	6.0	5.0	12	121	110	22	16	12	
20	9.0	9.0	8.0	7.0	6.0	5.0	12	121	121	22	16	12	
21	9.0	9.0	8.0	7.0	6.0	5.0	12	121	143	21	16	12	
22	9.0	9.0	8.0	7.0	6.0	5.0	13	121	110	21	17	11	
23	9.0	9.0	8.0	7.0	6.0	5.0	13	121	112	20	17	11	
24	9.0	9.0	8.0	6.0	6.0	5.0	13	121	114	20	17	11	
25	9.0	9.0	8.0	6.0	6.0	5.0	14	130	116	20	16	11	
26	9.0	9.0	8.0	6.0	6.0	5.0	14	140	121	20	16	11	
27	9.0	9.0	8.0	6.0	6.0	6.0	15	150	126	19	16	11	
28	9.0	9.0	8.0	6.0	6.0	6.0	15	160	126	19	15	11	
29	9.0	9.0	8.0	6.0	6.0	6.0	15	132	121	19	14	11	
30	9.0	9.0	8.0	6.0		7.0	15	145	110	19	14	11	
31	9.0		8.0	6.0		7.0		154		19	13		
Mean	9.5	9.0	8.0	6.3	6.0	5.7	11	96	136	30	17	12	29
Max	11	9.0	8.0	7.0	6.0	7.0	15	160	172	90	20	13	172
Min	9.0	9.0	8.0	6.0	6.0	5.0	7.0	15	104	19	13	11	5.0
Ac-Ft	583	536	492	389	345	351	649	5905	8093	1831	1065	714	20951

STATION : 13072500 PEBBLE CREEK NR PEBBLE ID

LOCATION : LATITUDE N42:44:00, LONGITUDE W112:02:00, HYDROLOGICAL UNIT 17040208

DRAINAGE AREA : 27.20 mi2 (70.46 km2)

PERIOD OF RECORD: 09/1911 - 09/1914

GAGE ALTITUDE : 5460.00 (1664. m)

		Flow cfs WATER YEAR OCT 1912 TO SEP 1913											Year	
		Mean												
DAY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
1	31	9.5	7.0	6.0	6.0	6.0	20	124	50	26	14	9.0		
2	31	9.5	7.0	6.0	6.0	6.0	19	124	50	26	14	9.0		
3	31	9.5	7.0	6.0	6.0	6.0	19	124	50	26	14	9.0		
4	31	9.0	7.0	6.0	6.0	6.0	19	124	50	26	14	9.0		
5	31	9.5	7.0	6.0	6.0	6.0	18	124	50	26	14	9.0		
6	31	9.5	7.0	6.0	6.0	6.0	20	124	50	26	14	9.0		
7	31	9.5	7.0	6.0	6.0	6.0	22	124	50	26	14	9.0		
8	31	9.5	7.0	6.0	6.0	6.0	24	124	50	20	14	9.0		
9	31	9.5	6.5	6.0	6.0	6.0	26	124	50	18	14	9.0		
10	31	9.5	7.0	6.0	6.0	6.0	36	126	50	18	14	9.0		
11	31	9.5	7.0	6.0	6.0	6.0	36	132	50	18	14	9.0		
12	31	9.5	7.5	6.0	6.0	6.0	36	128	50	18	14	9.0		
13	31	9.5	7.0	6.0	6.0	6.0	36	124	50	18	14	9.0		
14	31	9.5	7.0	6.0	6.0	6.0	36	121	38	18	14	9.0		
15	31	9.5	7.0	6.0	6.0	6.0	36	90	36	16	14	9.0		
16	31	9.5	7.0	6.0	6.0	6.0	36	90	36	16	12	9.0		
17	31	9.5	7.0	6.0	6.0	6.0	36	90	36	16	11	9.0		
18	31	9.6	7.0	6.0	6.0	6.0	36	90	36	16	11	9.0		
19	31	9.5	7.0	6.0	6.0	6.0	46	90	36	16	11	9.0		
20	31	9.5	7.0	6.0	6.0	6.0	50	90	36	16	11	9.0		
21	31	9.5	7.0	6.0	6.0	6.0	54	90	36	16	11	9.0		
22	31	9.5	7.0	6.0	6.0	6.0	50	90	36	16	10	9.0		
23	31	9.5	7.0	6.0	6.0	6.0	50	90	36	16	10	9.0		
24	31	9.5	7.0	6.0	6.0	6.0	50	90	36	16	10	9.0		
25	31	9.5	7.0	6.0	6.0	6.0	46	90	36	16	10	9.0		
26	31	9.5	7.0	6.0	6.0	6.0	84	90	36	16	10	9.0		
27	31	9.5	7.0	6.0	6.0	6.0	84	90	36	16	10	9.0		
28	31	9.5	7.0	6.0	6.0	6.0	84	90	34	16	10	9.0		
29	31	9.5	7.0	6.0		6.0	121	90	34	16	10	9.0		
30	31	9.5	7.0	6.0		6.0	124	90	32	16	10	9.0		
31	31		7.0	6.0		6.0		90		16	10			
Mean	31	9.5	7.0	6.0	6.0	6.0	45	106	42	19	12	9.0	25	
Max	31	9.6	7.5	6.0	6.0	6.0	124	132	50	26	14	9.0	132	
Min	31	9.0	6.5	6.0	6.0	6.0	18	90	32	16	10	9.0	6.0	
Ac-Ft	1906	564	430	369	333	369	2686	6500	2491	1154	748	536	18086	

STATION : 13072500 PEBBLE CREEK NR PEBBLE ID

LOCATION : LATITUDE N42:44:00, LONGITUDE W112:02:00, HYDROLOGICAL UNIT 17040208

DRAINAGE AREA : 27.20 mi2 (70.46 km2)

PERIOD OF RECORD: 09/1911 - 09/1914

GAGE ALTITUDE : 5460.00 (1664. m)

Flow cfs WATER YEAR OCT 1913 TO SEP 1914													
	Mean												
DAY	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Year
1	9.0	11	8.0	8.0	6.0	10	—	—	—	32	9.0	6.0	
2	9.0	11	8.0	8.0	6.0	10	—	—	—	32	9.0	6.0	
3	10	11	8.0	8.0	6.0	10	—	—	—	32	9.0	6.0	
4	10	11	8.0	8.0	6.0	10	—	—	—	32	9.0	6.0	
5	10	14	8.0	8.0	6.0	10	—	—	—	32	9.0	6.0	
6	10	16	8.0	8.0	6.0	10	—	—	—	29	9.0	6.0	
7	10	13	8.0	8.0	6.0	10	—	—	—	28	9.0	6.0	
8	10	13	8.0	8.0	6.0	10	—	—	—	27	9.0	6.0	
9	11	13	8.0	8.0	6.0	10	—	—	—	26	9.0	6.0	
10	11	13	8.0	8.0	5.5	10	—	—	—	26	8.0	6.0	
11	11	13	8.0	8.0	8.0	10	—	—	—	26	8.0	6.0	
12	11	13	8.0	8.0	8.0	10	—	143	—	24	8.0	7.0	
13	11	13	8.0	8.0	8.0	10	42	—	—	22	8.0	7.0	
14	11	13	8.0	8.0	8.0	10	—	—	—	20	8.0	8.0	
15	11	13	8.0	8.0	8.0	10	—	—	—	18	8.0	8.0	
16	11	13	8.0	8.0	8.0	10	—	—	—	17	8.0	8.0	
17	11	13	8.0	10	8.0	10	—	—	—	16	8.0	9.0	
18	11	13	8.0	10	8.0	10	—	—	—	16	7.0	9.0	
19	11	13	8.0	10	8.0	10	—	—	—	15	7.0	9.0	
20	11	13	8.0	10	10	10	—	—	—	14	7.0	9.0	
21	11	13	8.0	10	10	11	—	—	—	14	7.0	9.0	
22	11	10	8.0	10	10	11	—	—	—	13	6.0	9.0	
23	11	10	8.0	10	10	11	—	—	—	12	6.0	9.0	
24	11	10	8.0	8.0	10	11	—	—	—	12	6.0	9.0	
25	11	10	8.0	8.0	10	11	—	—	—	11	6.0	9.0	
26	12	9.0	8.0	8.0	10	11	—	—	—	11	6.0	9.0	
27	12	9.0	8.0	8.0	10	11	74	—	—	10	6.0	9.0	
28	12	9.0	8.0	8.0	10	11	—	—	—	10	6.0	9.0	
29	12	8.0	8.0	8.0		11	—	—	—	9.0	6.0	9.0	
30	11	8.0	8.0	8.0		11	—	—	—	9.0	6.0	9.0	
31	11		8.0	8.0		11	—	—	—	9.0	6.0		
Mean	11	12	8.0	8.5	7.9	10	—	—	—	19	7.5	7.7	—
Max	12	16	8.0	10	10	11	—	—	—	32	9.0	9.0	—
Min	9.0	8.0	8.0	8.0	5.5	10	—	—	—	9.0	6.0	6.0	—
Ac-Ft	664	698	492	520	439	637	—	—	—	1198	462	456	—

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: A29-00131
Date Received: 2/16/1990
Receipt No: E012070
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONNA RAE MABEY
Address: 387 E. 450 S.
CLEARFIELD, UT 84015
2. Date of Priority: JUN 25, 1902
3. Source: PEBBLE CREEK Trib. to: PORTNEUF RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	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	3.170		

7. Total Quantity Appropriated is:
3.170 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	Lot	Use	Acres
08S	38E	3	NW	SW		IRR	7.0
			SW	SW		IRR	36.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	43.0
		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:
A29-00133/02048/02449.

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): *Dona Rae Mabey* Date: *Jan 14, 1991*
_____ Date: _____

State of *Idaho*)
County of *Davis*) SS.

Subscribed and sworn (or affirmed) before me this *14* day
of *Jan* 19 *91*
[Signature]
Notary Public

Seal

Residing at *Clinton Utah*
My Commission Expires *Feb 14, 1992*

RECEIVED

APR 1 1991

Department of Water Resources
Eastern District Office

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED
CHANGE OF A WATER

RIGHT
NO. 29-00131 & 29-02449

Notice is hereby given that Donna Rae Mabey, Clearfield, Utah, has applied to the Department of Water Resources for an Exchange of Rights of the waters of Pebble Creek and a groundwater source. The right sought to be changed is evidenced by a Decree and a License and are recorded as follows:

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.

AMOUNT: 3.17 cfs

PRIORITY: June 25, 1902

POINT(S) OF DIVERSION:
SESE, SEC. 8; SESW, SEC. 9, T
8S, R 38E, CARIBOU COUNTY

The water is used from APRIL
15 to SEPTEMBER 15 to irrigate
within the NESE, S1/2SE, SEC. 4;
NWNE, SEC. 9, T 8S, R 38E, B.M.

LICENSE NO. 29-02449

AMOUNT: 2.22 cfs

PRIORITY: 11-03-1961

POINT OF DIVERSION:
SWSW, SEC. 3, T 8S, R 38E,
CARIBOU COUNTY

The water is used from APRIL 1
to OCTOBER 31 to irrigate 158
acres within the W1/2SW, SEC. 3,
NESE, S1/2SE, SEC. 4, T 8S, R
38E, B.M.

TO BE CHANGED AS
FOLLOWS:

Only 2.22 cfs of water will be
exchanged and used from April 15
to September 15 to irrigate 162
acres of land within the NWSW,
SEC. 3, NESE, S1/2SE, SEC. 4;
NWNE, SEC. 9, T 8S, R 38E, B.M.
The applicant will use 2.22 cfs of
Pebble Creek water through the
irrigation season and will pump
2.22 cfs from the well directly into
the Portneuf River to complete the
exchange.

Any protests against the
proposed change must be filed with
the Idaho Department of Water
Resources, 150 Shoup Ave., Idaho
Falls, ID 83401, on or before April
8, 1991.

R. Keith Higginson
Director

Published in the Caribou County
Sun on March 21 and 28, 1991.

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

21st day of
March, 1991

The date of the last publication

being the 28th day of
March, 1991

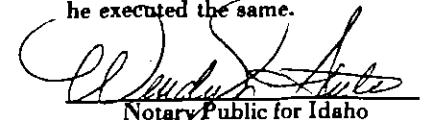
On this 29th day of March

in the year of 1991 before

me, a Notary Public, personally
appeared



known or identified to me to be the
person whose name subscribed to
the within instrument, and being
by me first duly sworn, declared
that the statements therein are
true, and acknowledged to me that
he executed the same.


Notary Public for Idaho

Residing at Soda Springs, Idaho
My commission expires:

3/11/94



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 7, 1993

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,

A handwritten signature in black ink, appearing to read 'L. Glen Saxton', written over the typed name and title.
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

July 27, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

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

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

MEMORANDUM

TO: Files Nos. 29-0131 and 29-2449; Application for Transfer No.
3820 in the Name of Donna Rae Mabey
FROM: Gary Spackman *Gary*
DATE: May 6, 1992

RE: Conditions of Approval

Application for transfer no. 3820 was filed in February, 1991, and proposes a diversion of water from Pebble Creek for irrigation, and reinjection of ground water into the Portneuf River to compensate for the Pebble Creek diversion. The transfer represents an exchange which has occurred in prior years.

While exchanges are difficult to administer, and have the propensity to dewater important streams, Fish & Game has agreed to allow an experiment regarding this particular exchange to determine whether it will sufficiently reduce the quantity of water. Fish & Game suggested that we allow the diversion for one year to determine whether the exchange will substantially dewater Pebble Creek. After one year, Fish & Game proposed that we again evaluate the application for transfer. Rather than following this arduous process, I suggest approving the application for transfer with some very stringent conditions. The conditions I propose are as follows:

1. This transfer authorizes the injection of ground water diverted pursuant to water right no. 29-02449 into the Portneuf River, and an upstream diversion of the water from Pebble Creek located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, T8S, R38E, B.M.

2. A bypass flow suitable to maintain fish, aquatic and riparian values in Pebble Creek must be maintained at all times. The bypass flow shall be established by the Department of Fish & Game. If the water right holder contests the bypass flow established, the Director of the Department of Water Resources retains jurisdiction to conduct a hearing, and to gather evidence regarding the flow rate necessary to sustain public interest values.

3. As long as ground water is exchanged for a surface water withdrawal, the water right holder must maintain electronic measuring devices which record instantaneous flow rate, the time of the instantaneous flow rate, and the total volume of water

Donna Rae Mabey
May 6, 1992
Page - 2

diverted. A measuring device shall be maintained at both the well which discharges to the Portneuf River, and also the diversion from Pebble Creek.

4. The ground water well must be pumping at the same time water is diverted from Pebble Creek, and must pump and discharge to the Portneuf River at least the same quantity of water as the quantity diverted from Pebble Creek. Diversion from Pebble Creek while the ground water well is not pumping water constitutes a violation of Idaho Code § 42-351, and the water right holder is subject to a penalty of \$100 per day that the well is not operating. The intent of the water right holder is not an issue in determining a violation.

5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

6. Failure to comply with the conditions of this transfer is cause for the Director to issue an order to show cause why the approval of the transfer should not be rescinded.



IDAHO FISH & GAME

REGION 5

1345 Barton Road
Pocatello, ID 83204-1847
(208) 232-4703

RECEIVED
APR 9 1992

Department of Water Resources

April 6, 1992

Mr. Gary Spackman
Idaho Department of Water Resources
1301 N Orchard
Boise, ID 83720

Re: Application for Transfer No. 3820

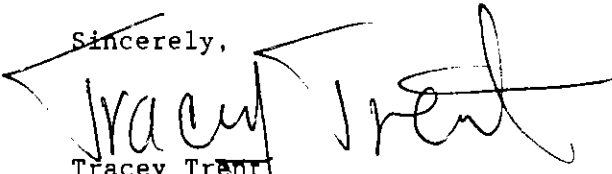
Dear Mr. Spackman,

I have reviewed the correspondence from you and discussed this proposed transfer of water right with Mr. Stan Wistisen. In your correspondence to the Department of Fish and Game dated February 5, 1992, you indicated the transfer of water right could dewater the lower portion of Pebble Creek. I discussed the transfer with Stan Wistisen on February 25. He said that Lower Pebble Creek is never dewatered and the transfer would not result in dewatering Pebble Creek. In my discussions with Harold Jones on February 26 concerning this matter he indicated that the Department of Water Resources had no information to corroborate Mr. Wistisen's contention that Pebble Creek would not be dewatered. If the transfer results in the dewatering of Pebble Creek we will have no recourse after the transfer is granted.

Therefore I recommend not granting the transfer this year. Mr. Wistisen should be allowed to divert the 2.2 cfs he has applied to transfer. This will give us a chance to monitor water flows in Pebble Creek during the late summer and early fall. With the current drought conditions we should be able to see a "worst case scenario" and determine if the 2.2 cfs diversion will negatively impact fish passage. This will also give us the chance to make an assessment of the amount of water needed in Pebble Creek to ensure fish passage during the late summer/fall period.

We have discussed this proposal with Mr. Wistisen and he concurs.

Sincerely,


Tracey Trent
Regional Supervisor

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife since 1938



IDAHO FISH & GAME

REGION 5

1345 Barton Road
Pocatello, ID 83204-1847
(208) 232-4703

RECEIVED
MAR 19 1992
Department of Water Resources

March 18, 1992

Mr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83720-9000

RE: Application for transfer No. 3820/Water Right Nos. 29-00131 and 29-02449.

Dear Gary,

I received the copy of your letter to John Heimer concerning application for transfer of the above listed water. I greatly appreciate your willingness to allow us sufficient time to adequately evaluate this request.

Discharge information for the Pebble Creek drainage provided by the Caribou National Forest shows the average mean monthly flow of 34.19 cfs, April through October (see Enclosure A). More importantly for fish survival, average flows of 10.47, 8.32 and 14.5 cfs were recorded in August, September and October, respectively.

Information provided by the Idaho Falls Office of Idaho Department of Water Resources shows the total amount of appropriated water in the Pebble Creek drainage at 19.90 cfs (decreed and licensed rights, combined).

Cutthroat trout typically live in the main stem of many large river systems and spawn in the tributaries. The young rear in the tributaries during the summer then move downstream into the main stem in late summer and fall. Wild trout, both cutthroat and rainbow, in the upper Portneuf River have been severely impacted by lack of spawning and rearing habitat. These losses include access to tributaries, degradation of tributary habitat, and siltation of habitat in the Portneuf River proper.

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife since 1938

Gary Spackman
March 18, 1992
Page 2

Pebble Creek is the only accessible tributary in the upper Portneuf River providing clean spawning gravel and adequate rearing habitat. As such, it is the most important spawning and rearing habitat in the upper Portneuf and is critical to the continued existence of cutthroat trout in the system.

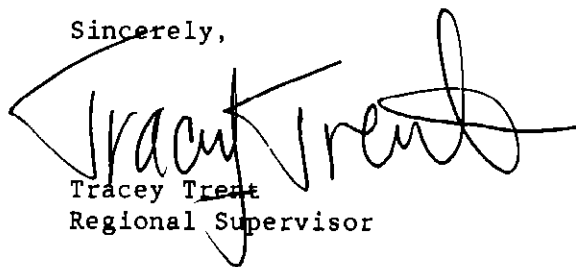
Sufficient flows are necessary in the lower reaches of Pebble Creek to allow access of adult trout from the Portneuf River to spawning and rearing habitat in Pebble Creek. Cutthroat spawners move into Pebble Creek in late March through early April. Juvenile trout migrate downstream through lower Pebble Creek in August, September and early October. Flows that would hinder upstream or downstream movement of trout in Pebble Creek would reduce the Portneuf River's already low wild trout population.

The application to transfer water from the Portneuf River to Pebble Creek will result in an increase of 2.22 cfs diverted from the already over appropriated Pebble Creek drainage. This transfer will increase the likelihood and frequency of dewatering the lower reach of Pebble Creek. In addition, the number of juveniles lost to diversions will also increase.

This will result in a significant negative impact on Pebble Creek's function as a spawning and rearing stream for cutthroat trout. The impacts will be particularly severe during the months of August, September and October when juvenile trout are moving down Pebble Creek to the Portneuf River.

We therefore, protest granting of this application because of its deleterious effect on cutthroat trout populations in the Portneuf River and Pebble Creek.

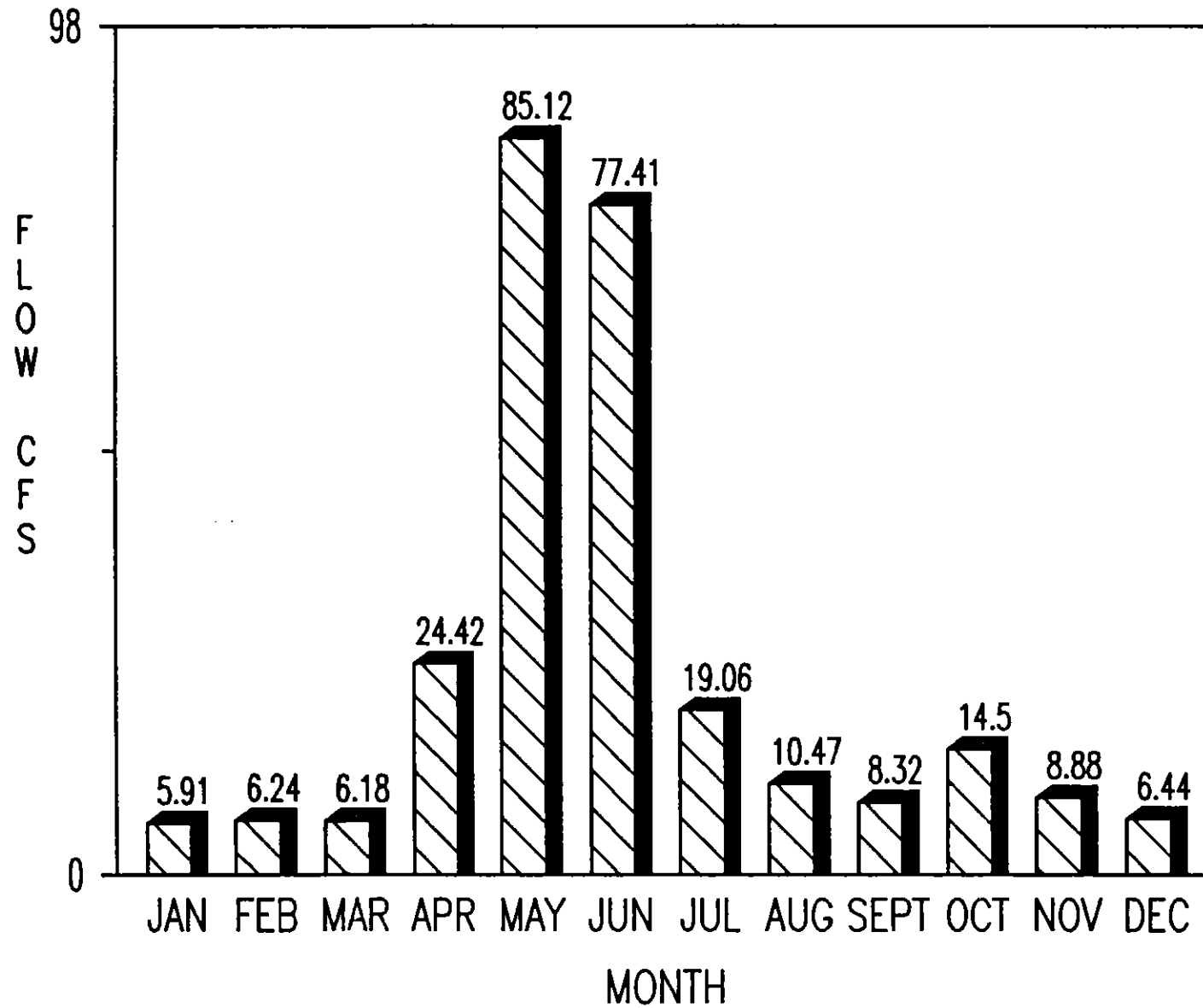
Sincerely,



Tracey Trent
Regional Supervisor

TT/JM/ch

PEBBLE CK MEAN MONTHLY FLOW





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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 5, 1992

John T. Heimer
Idaho Department of Fish And Game
Statehouse Mail
600 South Walnut
Boise, ID 83707

Re: Application for Transfer No. 3820/Water Right No.'s 29-00131
and 29-02449.

Dear Mr. Heimer:

I recently received a letter from some water users in the Portneuf River Basin who propose to divert water out of Pebble Creek and replace the water that is withdrawn downstream in the Portneuf River. This proposal could result in a de-watering of Pebble Creek through the reach from the diversion to the point of discharge of ground water back into the Portneuf River.

Your staff previously commented on the application and expressed concerns. I asked Donna Rae Mabey, the applicant, to address the concerns. I have enclosed a letter which they sent me. The letter states that they spoke with you, and that you would contact us directly if you had any further concerns.

I am always reluctant to act solely on the representations of the applicant. I asked that Fish and Game take a position on this proposal. If Fish and Game does not respond, I will assume that the objections have been alleviated, and will process the application for transfer.

Respectfully,

Gary Spackman
Water Rights Permit Section

Enclosure

CC: Donna Rae Mabey
IDWR - Eastern Regional Office
Stanley Wistisen
Jim Mende, Idaho Department of Fish and Game

RECEIVED
JAN 27 1992

Department of Water Resources

Donna Rae Mabey
387 East 450 South
Clearfield, Utah 84015
Phone 801-825-2114

Jan. 17, 1992

Mr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mall, Boise Id. 83720 - 9000
Phone (208)-327-7900 Fax (208)-327-7866

Dear Mr. Spackman:

I'm responding to your letter dated Dec. 27, 1991 in regard to my Application for Transfer No. 3820/Water Right Nos. 29-00131 and 29-02449.

In response to question No. 1 about monitoring devices to be installed for measuring the water coming from Pebble Creek so as to match discharge from a well into the Portneuf. I called Paul Myer an engineer for the Idaho Falls Water Resource Department and Arlin Olson the Portneuf Ditch Rider on Jan. 13, 1992, in regard to the kinds of measuring devices they would recommend. Both suggested a Parshall Flume be installed where the water is diverted from Pebble Creek, and that a Flow Meter be installed at the discharge point into the Portneuf River, which I have agreed to install before any exchange of water out of Pebble will take place.

In regard to question No. 2 by the Fish and Game Department. I contacted Mr. John T. Heimer from the Fish and Game Dept. in Boise on Jan. 6, 1992, and he indicated to me that he would contact your office if he had any further concerns.

I hope this letter addresses the questions your Department had.

Sincerely Yours,

Donna Rae Mabey - Land Owner

Donna Rae Mabey 801-825-2114
Stanley Wistisen - Leaseholder *Responsible for installations*
Stanley Wistisen (208) 648-7647
Arlin Olson - Ditch Rider for Portneuf River

Arlin Olson (208) 776-5290



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 27, 1991

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, reading "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Eastern Region
Arlin Olson



IDAHO FISH & GAME

600 South Walnut / Box 25
Boise, Idaho 83707

RECEIVED
AUG 14 1991

Department of Water Resources

August 14, 1991

Mr. Gary Spackman
Idaho Department of Water Resources
1301 North Orchard Street
STATEHOUSE MAIL
Boise, Idaho 83720-9000

Re: Application for Transfer No. 3820/Water Right Nos. 29-00131 and
29-02449

Dear Mr. Spackman:

Idaho Department of Fish and Game personnel have reviewed the above-referenced application to transfer water rights and continue to divert Pebble Creek water in exchange for ground water recharge to the Portneuf River and object to the transfer. Continued diversion of Pebble Creek could leave a section of the Portneuf River without sufficient water for a portion of the year.

Sincerely,

for John T. Heimer
Will Reid
Fishery Staff Biologist

WR:kdd

Region 5

Cecil D. Andrus / Governor
Jerry M. Conley / Director





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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 29, 1991

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

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: June 26, 1991

RE: TRANSFER NO. 3820/RTS. 29-00131 & 29-02449

=====

This transfer application really represents a water rights exchange rather than a normal transfer. The applicant proposes to inject groundwater from an existing well under license no. 29-2449 into the Portneuf River in exchange for diverting water from Pebble Creek, a tributary to the Portneuf. The applicant has made this proposal so that he can irrigate his lands under gravity flow rather than directly pump groundwater to a higher elevation. However, by completing the exchange, the applicant may be relying on a less reliable surface water source to irrigate the same number of acres that he has traditionally irrigated directly from the groundwater well. The exchange/transfer will also result in a place of use change for 36 acres under 29-2449.

The application had been protested. Pursuant to a conference held by the regional office, all protests to this proposal were withdrawn according to certain conditions. If the exchange is operated according to the proposed conditions, then I believe the project is feasible. If the exchange is done properly, the applicant will not really be diverting any more well water than he has in the past.

Conditions:

- 1) Use of water under this exchange is subject to the control by the watermaster of State Water District No. 29, Portneuf River.
- 2) A valve shall be installed by the applicant at a location agreeable to the watermaster to allow control of the groundwater being discharged into the Portneuf River.
- 3) A totalizing measuring device of a type approved by the department shall be installed and maintained in the pipeline discharging groundwater into the Portneuf River.
- 4) A measuring device and controlling works of a type approved by the department shall be permanently installed and maintained at the point of diversion on Pebble Creek.

5) The total number of acres which can be irrigated under this exchange is 158 acres. The total number of acres described as the place of use within the NW1/4NE1/4 of Section 9, T.8S, R.9E, is limited to 36 acres.

6) <<T07>> The change authorized by this transfer/exchange shall be accomplished within one (1) year of the date of this approval.

7) <<T08>> Failure to comply with the conditions of this transfer/exchange is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

8) <<T09>> Approval of this transfer/exchange does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

REPORT OF WELL DRILLER State of Idaho

JUN 28 1967
Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name James H. Hays
Address Hammer

Owner's Permit No.

NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: Irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other ☐ (explain)

CASING SCHEDULE: Threaded ☐ Welded ☒
12 3/4" Diam. from 2 ft. to 144 ft.
"Diam. from ft. to ft.
"Diam. from ft. to ft.
"Diam. from ft. to ft.
Thickness of casing: 1/2" Material:
Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☐ No ☒ Type of
perforator used: Mills knife

Size of perforations: 1/2" by 3"
150 perforations from 30 ft. to 60 ft.
60 perforations from 60 ft. to 90 ft.
300 perforations from 90 ft. to 144 ft.
perforations from ft. to ft.
WAS SCREEN INSTALLED? Yes ☐ No ☒

Manufacturer's name Model No.
Type Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No ☒ size of gravel Gravel
placed from ft. to ft. Surface seal
provided? Yes ☐ No ☒ To what depth?
 ft. Material used in seal: Back filled with cuttings

Did any strata contain unusable water? Yes ☐
No ☐ Type of water:
Depth of strata ft. Method of sealing
strata off:

Surface casing used? Yes ☐ No ☒
Cemented in place? Yes ☐ No ☒

Locate well in section

LOCATION OF WELL: County Caribou
S/W x S/W x Sec. 3 T. 8 N/S R. 18 E/Y

Use other side for additional remarks

Size of drilled hole: 12" Total
depth of well: 147ft. Standing water
level below ground: 82ft. Temp.
Fahr. Test delivery: gpm
or cfs Pump? ☐ Bail ☐
Size of pump and motor used to make test:

Length of time of test: Hrs. Min.
Drawdown: ft. Artesian pressure: ft.
above land surface Give flow cfs
or gpm. Shutoff pressure:
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing?
Yes ☐ No ☒

DEPTH		MATERIAL	WATER YES OR NO
FROM	TO		
FEET FEET			
0	6	Top soil	
6	9	Gravel an clay	
9	50	Clay an little gravel	
50	80	Clay, gravel an little water	yes
80	72	Sort, chalky like clay, white	yes
72	102	Brown sticky clay	ye
102	113	rocky, clay, water raised 68ft.	yes
113	119	Clay in strip.	no
119	123	Clay	no
123	147	Clay, limestone strips	yes

Work started: Oct. 3, 1967

Work finished: Oct. 11, 1967

Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.

Name: Ivan Barta

Address: Greene, Idaho

Signed by:

License No. 81 Date:

REPORT OF WELL DRILLER State of Idaho

RECEIVED
SEP 8 1966

State law requires that this report shall be filed with the State Registration Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name James McKay

Address Hammer, Idaho

Owner's Permit No. _____

NATURE OF WORK (check): Replacement well ☐
New well ☐ Deepened ☐ Abandoned ☐

Water is to be used for: Stock water

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☐
Dug ☐ Other _____

CASING SCHEDULE: Threaded _____ Welded ☒
8 3/4" diam. from 0 ft. to 40 ft.
"Diam. from 40 ft. to 88 ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
Thickness of casing: _____ Material: _____

Steel ☒ concrete ☐ wood ☐ other ☐

Back filled with cuttings around casing.

PERFORATED? Yes ☒ No ☐ Type of perforator used: Wash out

Size of perforations: 30 3/16" by _____
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

WAS SCREEN INSTALLED? Yes ☐ No ☐

Manufacturer's name _____ Model No. _____

Type _____

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

CONSTRUCTION Well gravel packed? Yes ☐

No. _____ size of gravel _____ Gravel

placed from _____ ft. to _____ ft. Surface seal

provided? Yes ☐ No ☐ To what depth?

_____ ft. Material used in seal: _____

Did any strata contain unusable water? Yes ☐

No. ☐ Type of water: good

Depth of strata _____ ft. Method of sealing

strata off: _____

Surface casing used? Yes ☐ No ☐

Cemented in place? Yes ☐ No ☐

Locate well in section

LOCATION OF WELL: County Caribou

1/4 Sec. 3 T. 4 N/S R. 20 E/W

Use other side for additional remarks

Size of drilled hole: 8 3/4" Total
depth of well: 88 ft. Standing water
level below ground: 14 ft. Temp. _____
Fahr. _____ Test delivery: _____ gpm
or _____ cfs Pump? ☐ Bail ☐ Air. _____
Size of pump and motor used to make test: _____

Length of time of test: _____ Hrs. _____ Min.

Drawdown: _____ ft. Artesian pressure: _____ ft.

above land surface _____ Give flow _____ cfs

or _____ gpm. Shutoff pressure: _____

Controlled by: Valve ☐ Cap ☐ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☒

DEPTH MATERIAL WATER

FROM TO YES OR NO

FEET FEET

0 5 Soil

5 20 Lava

20 20 First water, very little

20 35 Hard lava

35 40 Cinders and sand with water but

40 75 water deplete,

75 88 Hard solid lava

88 88 Hard lava, cracks, cracks full of mud and water.

Work started: Aug. 25, 1966

Work finished: Aug. 27, 1966

Well Driller's Statement: This well was

drilled under my supervision and this report

is true to the best of my knowledge.

Name: Ivan Berts

Address: Hammer, Idaho Box 226

Signed by: _____

License No. 61 Date: Sept 3, 1966



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 30, 1991

RE: Application for Transfer No. 29-0131/2449

Donna Rae Mabey
387 E 450 S
Clearfield, UT 84015

Dear Ms. Mabey:

This letter is to advise you that the protests filed against approval of the above referenced application for transfer have been withdrawn. The Department is continuing the processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ:CW



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 30, 1991

RE: Application for Transfer No. 29-0131/2449 DONNA RAE MABEY

Mr. Shane Irick, President
Lava Irrigation Company
PO Box 182
Lava Hot Springs, ID 83246

Dear Mr. Irick:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 30, 1991

RE: Application for Transfer No. 29-131/2449 DONNA RAE MABEY

Mr. Dean Day
Topax Irrigation Company
PO Box 123
Lava Hot Springs, ID 83246

Dear Mr. Day:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 30, 1991

RE: Application for Transfer No. 29-131/2449 DONNA RAE MABEY

Mr. Byron K. Allen, President
McCammon Ditch Company
McCammon, ID 83250

Dear Mr. Allen:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

STIPULATION

1. The exchange will be subject to the control of Portneuf River watermaster of Water District 29

3. A totalizing measuring device of a type approved by the department will be installed and maintained in the pipeline discharging to the Portneuf.

With the understanding that the following conditions will be a permanent requirement for this exchange to take place and with the concurrence of the applicant to comply the protestants hereby withdraw their protest to the approval of this application.

Dear Gary
Topaz Irrigation Company

Hona Rae Mabey
Applicant

Bryan K. Allen
McCammon Ditch Company

Shane Irick
Lava Irrigation Company

T 29-0131/29-2449 - MABEY

Thursday, May 23, 1991 - 9:00 a.m.
Conference Room, Pocatello Municipal Airport
Pocatello, ID

Hearing Officer: R CARLSON / H. JONES

Name Representing Address

Bryon Allen	McCammon Ditch Co	McCammon Id.
Shane Clark	Lava Irrigation Co	Lava Hot Springs Id.
Robin Olson	Water Master	Lava
Dyan Day	Foxey, Dempsey & Fish Creek Dr.	
Wendy Wiseman	Bancroft	Pebble Cr.
Hona Rae Mabey	Clearfield Mt.	Pebble Cr.
Star Kristian	Bancroft	Pebble Cr. Bancroft Id.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 8, 1991

ATTN: Mr. Nelson
Pocatello Municipal Airport
P.O. Box 4169
Pocatello, ID 83205-4169

Dear Mr. Nelson:

This is to confirm the use of the Conference Room
for water right conferences to be held by this
Department beginning at 9:00 a.m. on Thursday, May
23, 1991.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Assistant

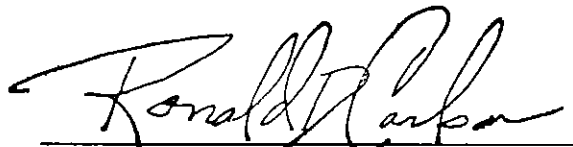
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
TRANSFER OF WATER RIGHT NO. 29-0131/	)	
31-2449 IN NAME OF DONNA RAE MABEY	)	NOTICE OF CONFERENCE
	)	
	)	

On February 6, 1991, Donna Rae Mabey, Clearfield, Utah filed the above referenced application to transfer the public waters of the State of Idaho. On April 3, 1991, the Department received a protest against approval of said application from Lava Irrigation Company. On April 5, 1991, an additional protest was received from McCammon Ditch Company, and on April 8, a protest was received from Topaz Irrigation Company.

The Department has set the matter of protests for conference for 9:00 a.m., Thursday, May 23, 1991, in the Conference Room, Pocatello Municipal Airport, Pocatello, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Date this 7th day of May, 1991.



RONALD D. CARLSON
Eastern Regional Manager

RETURNED RECEIPTS

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1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Shane Erik Pres
Patricia Avery Sec
Hawa Irigation
P.O. Box 182
Hawa Hot Springs, Id.

4. Article Number

0693

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X *Patricia Avery*

7. Date of Delivery

10/1/91

8. Addressee's Address (ONLY if requested and fee paid)

29-0131/2449

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OFFICIAL BUSINESS

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MAY 13 1991

Department of Water Resources
Eastern District Office



PENALTY FOR PRIVATE
USE, \$300

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DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE #15

IDAHO FALLS, IDAHO 83402

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3. Article Addressed to: <i>Donna Rae Mabey</i> <i>387 E 450 S</i> <i>Clearfield, ID 84015</i>	4. Article Number <i>0691</i> Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Addressee <i>X</i> <i>Donna Rae Mabey</i>	8. Addressee's Address (ONLY if requested and fee paid) <i>17</i>
6. Signature - Agent <i>X</i>	
7. Date of Delivery <i>5-14-91</i> <i>KRM</i>	<i>T29-0131/2449</i>

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3. Article Addressed to: <i>Byron K Alley Pres.</i> <i>McCammon Ranch</i> <i>McCammon Id 83250</i>	4. Article Number <i>0692</i> Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee <i>X</i> <i>[Signature]</i>	8. Addressee's Address (ONLY if requested and fee paid) <i>G</i>
6. Signature — Agent <i>X</i>	
7. Date of Delivery <i>5-9-91</i>	
<i>29-0131/449</i>	

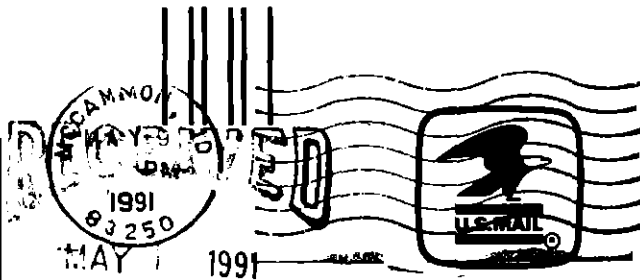
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**RETURN
TO** ➡



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USE, \$300**

Department of Water Resources
Eastern District Office
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DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402

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1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

*Gene Fagnant Sec
Copper Ridge
PO Box 123
Hava Hot Springs, AZ*

4. Article Number

0694

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee

X Gene Fagnant

6. Signature - Agent

X

7. Date of Delivery

5/8/91

8. Addressee's Address (ONLY if requested and fee paid)

29-0131/2449

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MAY - 9 1991

Department of Water Resources
Eastern District Office

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USE, \$300

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DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

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3. Article Addressed to: <i>John Nelson Sirell</i> <i>286 E Fortneuf</i> <i>Inkorn, Id 83246</i>	4. Article Number <i>0696</i> Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee <i>X</i>	8. Addressee's Address (ONLY if requested and fee paid) <i>29-8010</i> <i>13</i>
6. Signature — Agent <i>X</i> <i>John C. Sirell</i>	
7. Date of Delivery <i>MAY 10 1991</i>	

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Eastern District Office



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DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

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3. Article Addressed to: <i>Robert Meling</i> <i>Oklahoma State Foundation</i> <i>430 E. main</i> <i>Lawton, Ok</i> <i>83246</i>	4. Article Number <i>0697</i> Type of Service: <table border="0"> <tr> <td>☐ Registered</td> <td>☐ Insured</td> </tr> <tr> <td>☒ Certified</td> <td>☐ COD</td> </tr> <tr> <td>☐ Express Mail</td> <td>☐ Return Receipt for Merchandise</td> </tr> </table> Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.	☐ Registered	☐ Insured	☒ Certified	☐ COD	☐ Express Mail	☐ Return Receipt for Merchandise
☐ Registered	☐ Insured						
☒ Certified	☐ COD						
☐ Express Mail	☐ Return Receipt for Merchandise						
5. Signature — Addressee <i>X</i>	8. Addressee's Address (ONLY if requested and fee paid) <i>B</i>						
6. Signature — Agent <i>X</i> <i>Barbara K. Meling</i>							
7. Date of Delivery <i>5/8/91</i>							

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MAY - 9 1991

Department of Water Resources
Eastern District Office



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83402

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

PS Form 3877, May 1985

NAME AND
ADDRESS
OF SENDER

DEPT. OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified ☐ Express Mail

Check appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	0688	Joseph McElle Marty ^{James} HC Box 2450	.29	1.00									T-31-0335D T-31-0335B
2	0689	Roger Ring Robt 396 Rupert											
3	0690	Reut Foster Robt 50130 St.											
4	0691	Norona Rae Mahoy 387E 4505 ^{Clearfield}											T-31-0335B-D 29-0131/2449
5	0692	Beyon Allen, McManis Ranch											"
6	0693	Quo Irving Robt 182 Rava											"
7	0694	Gene Fagnant, Topa Irving Rava											29-0131-2449
8	0695	George Katsilomiles Robt 28 Rava											29-8010
9	0696	John Allen Well 280E Fortney											"
10	0697	Idaho's State Foundation, Rava											29-8010
11	0698	David, 815W 24th, Inkom											29-8046
12	0699	Sydney Smith 2651 Inkom Inkom											29-8046
13	0700	John Sally Hamby 8263 Rapid CK											29-7999
14	0701	Greg Chandler 3440N Rapid CK											"
15		* Send notice to Arlin Olson WD #29											Not Certified
Total Number of Pieces Listed by Sender		17	Total Number of Pieces Received at Post Office		FOURTEEN		POSTMASTER, PER (Name of receiving employee)		[Signature]				

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FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. G.P.O. 1985-478-804



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

May 3, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: Application for Transfer No. 29-0131/29-2449

Donna Ray Mabey
387 E 450 S
Clearfield, UT 84015

Dear Ms. Mabey:

Enclosed please find a copy of a protest filed against the above referenced applications. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. It is not necessary that you have an attorney present but you may if you would like. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

May 3, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: App. for Transfer No. 29-0131/29-2449 MABEY

Shane Irick, President
Patricia Avery, Secretary
Lava Irrigation Company
PO Box 182
Lava Hot Springs, ID 83246

Dear Protestants:

This letter acknowledges receipt of the protest filed against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?
2. Does the change constitute an enlargement in the use of the original rights?
3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing. We appreciate your support in this matter.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

May 3, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: App. for Transfer No. 29-0131/29-2449 MABEY

Gene Fagnant, Secretary
Topaz Irrigation Company
PO Box 123
Lava Hot Springs, ID 83246

Dear Mr. Fagnant:

This letter acknowledges receipt of the protest filed against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?
2. Does the change constitute an enlargement in the use of the original rights?
3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing. We appreciate your support in this matter.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

May 3, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: App. for Transfer No. 29-0131/29-2449 MABEY

Byron K. Allen, President
McCammon Ditch Company
McCammon, ID 83250

Dear Mr. Allen:

This letter acknowledges receipt of the protest filed against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?
2. Does the change constitute an enlargement in the use of the original rights?
3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing. We appreciate your support in this matter.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

47
McCammon Ditch Co Ltd.

McCammon Id. 83250
c/o Byron Allen

4-8-91
RECEIVED

APR 5 1991

Department of Water Resources
Eastern District Office

Protest of Transfer of Waters:

To: Idaho Water Resources Board

This protest is in the interest of the Stockholders of the McCammon Ditch Co. Ltd., We the above are protesting the practices of transferring water.

The specific case is the "James Mabey right #98," which is being used by Stanley Wistisen - Bancroft.

This particular case is that the Mabey right which is a well, is being exchanged for water from Toponce Creek. The well is being Pumped into the Portneuf River while water from Toponce Creek is diverted onto the Mabey property.

This exchange was sanctioned by the Portneuf River Board District 97 under a conditional use agreement.

Our complaint is that on several occasions the well was shut down for various reasons, but at the same time water was still diverted from Toponce Creek. Mr. Arlin Olson, Dist. 97 Watermaster has contacted us as to this matter and urged us to file a protest to this agreement.

We feel that this transfer should be ceased due to lack of compliance with the agreement, and if this cannot be done, that a 24hr. a day recording device be placed on the well to prove total amount of water being discharged into the Portneuf River.

Sincerely yours: *Byron K. Allen*
Pres. McCammon Ditch Co.

RECEIVED

APR 8 1991

Lava Hot Springs, Idaho
April 6, 1991

Department of Water Resources
Eastern District Office

Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

re: Taylor/Maybe Ditch
Application #29-00131 & 29-02449

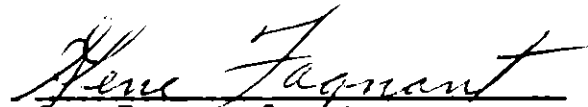
Gentlemen:

The stockholders of Topaz Irrigation Company, in annual meeting assembled March 23, 1991, unanimously objected to the transfer of Pebble Creek water with proposed replacement by well water to the Portneuf River as presently being practiced. Water is being drawn from Pebble Creek and not continually replaced.

The basic idea of the exchange would be acceptable if a proper monitoring system were installed and fair replacement be strictly adhered to.

Sincerely,

TOPAZ IRRIGATION COMPANY


Gene Fagnant, Secretary

RECEIVED

APR 03 1991

Department of Water Resources
Eastern District Office

Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83401

Dear Sir:

Lava Irrigation Co. hereby protest application #29-00131 and #29-02449 for reason that we feel that it would jeopardize our water rights in that the length of time and the amount of water pumped can not be measured accurately.

Sincerely,


Shane Irick, President


Patricia Avery, Secretary

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 98

RECEIVED
ma
FEB 28 1991

Department of Water Resources
Eastern District Office

WATER DISTRICT No. 29

WATERMASTER Arlin G. Olson

DATE: March 27, 1991

COMMENTS: In this particular case (Taylor/Maybe ditch) there
are no measuring devices on the ditch and none mentioned in the
transfer. It has been reported to me many times that no water
is coming into the river from the well exchange.

 I do endorse approval of this change.

 X I do not endorse approval of this change.

I recommend the following conditions of approval:

It is my recommendation that on the well exchange
there be a monitoring system installed that will measure the water
coming out of the well into the river at all times.

Arlin G. Olson
Watermaster

2-8-91
3-29-91 HGT RW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Dennis M. Dunn

1. Right number H29-00131 / 29-2449 Applicant Dennis Lee Mabey
2. Type of right: ☒ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Other exchange
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☐ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments NO expansion
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) water remains on the same ground.
 - j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 29

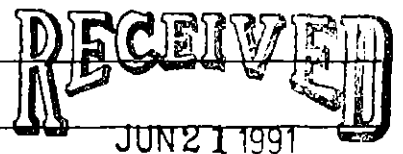
FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 3-19-91 Received on 3-28-91
 2. Is transfer published correctly? ☒ Yes ☐ No
 3. Protest received? ☒ Yes ☐ No Withdrawn
- HOP
4-8-91

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* see stipulation dated May 23, 1991

4. By RDC Date 6/18/91



19-Mar-1991

ARLIN OLSON
WATER DIST 29
PO BOX 644
LAVA HOT SPRINGS ID 83246

RE: Application No. 29-00131 & 29-02449

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is April 8, 1991, and we are required to take action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

19-Mar-1991

DONNA RAE MABEY
387 E 450 S
CLEARFIELD UT 84015

RE: Application No. 29-00131 & 29-02449

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the CARIBOU COUNTY SUN on March 21 & 28, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

13-Mar-1991

CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 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. 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 April 8, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 29-00131 & 29-02449

Notice is hereby given that Donna Rae Mabey, Clearfield, UT, has applied to the Department of Water Resources for an Exchange of Rights of the waters of Pebble Creek & a groundwater source. The right sought to be changed is evidenced by a Decree & a License and are recorded as follows:

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.

AMOUNT: 3.17 cfs PRIORITY: June 25, 1902

POINT(S) OF DIVERSION: SESE, SEC. 8; SESW, SEC. 9, T 8S, R 38E, CARIBOU COUNTY

The water is used from APRIL 15 to SEPTEMBER 15 to irrigate within the NESE, S1/2SE, SEC. 4; NWNE, SEC. 9, T 8S, R 38E, B.M.

LICENSE NO. 29-02449 AMOUNT: 2.22 cfs

PRIORITY: 11-03-1961

POINT OF DIVERSION: SWSW, SEC. 3, T 8S, R 38E, CARIBOU

The water is used from APRIL 1 to OCTOBER 31 to irrigate 158 acres within the W1/2SW, SEC. 3; NESE, S1/2SE, SEC. 4, T 8S, R 38E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 2.22 cfs of water will be exchanged and used from April 15 to September 15 to irrigate 162 acres of land within the NWSW, SEC. 3; NESE, S1/2SE, SEC. 4; NWNE, SEC. 9, T 8S, R 38E, B.M.

The applicant will use 2.22 cfs of Pebble Creek water through the irrigation season and will pump 2.22 cfs from the well directly into the Portneuf River to complete the exchange.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83401, on or before April 8, 1991.

R. Keith Higginson
Director

Published in the Caribou County Sun on March 21 & 29, 1991.