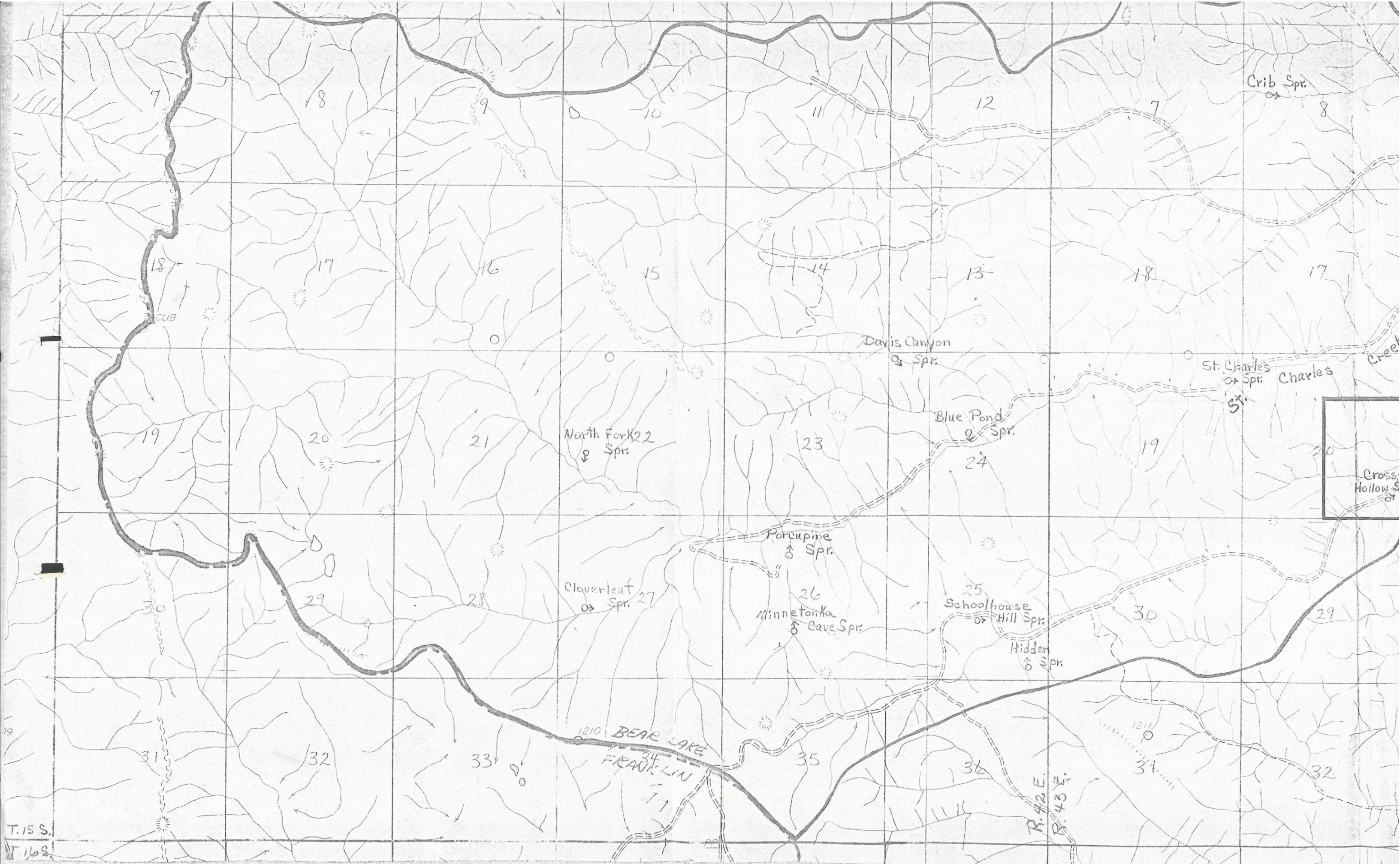
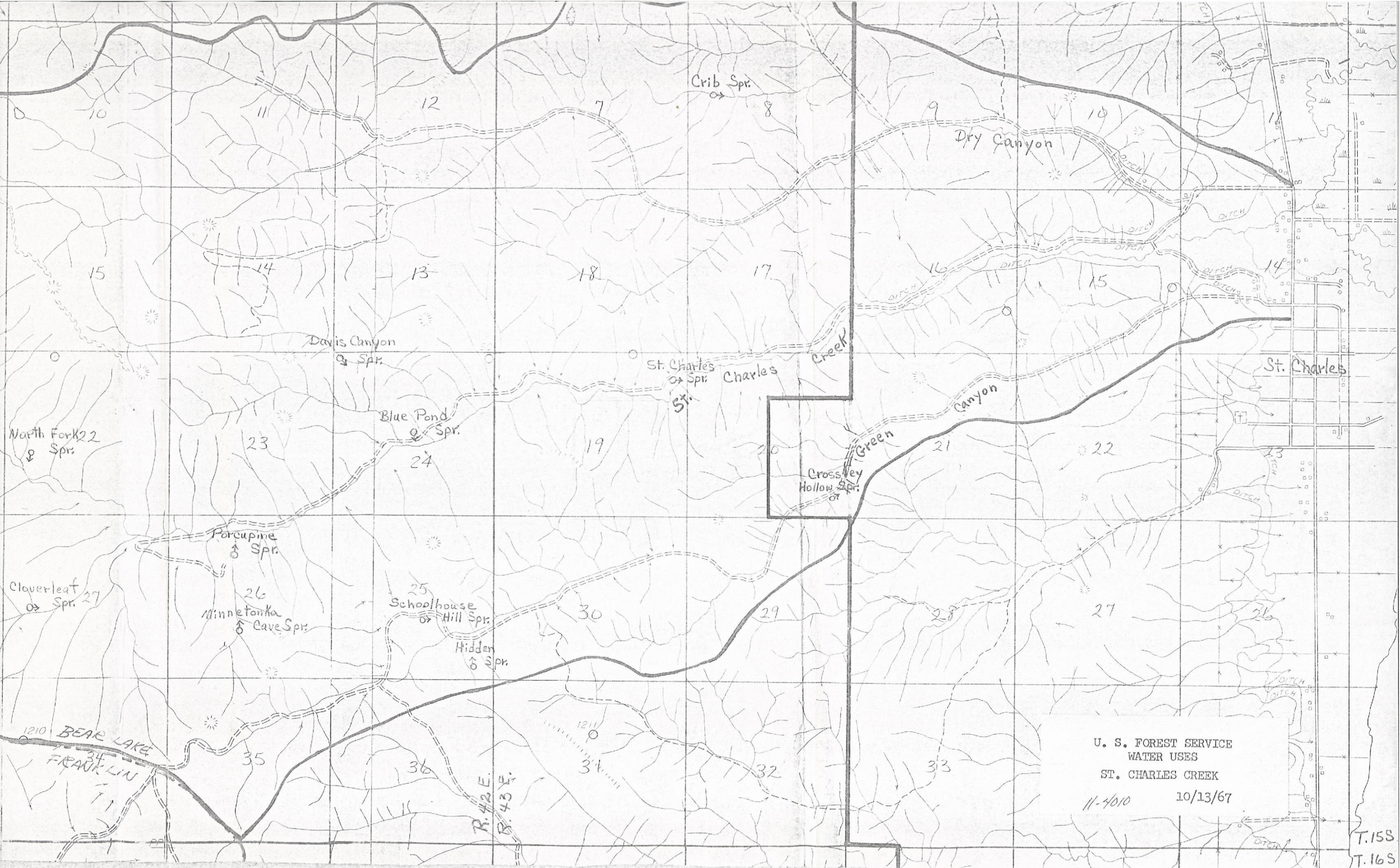






U. S. FOREST SERVICE
WATER USES
ST. CHARLES CREEK
11-4010 10/13/67

T. 15S
T. 16S

Identification No. 11-4010
Claim No. 42149
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant United States of America - Forest Service
post office address 324 25th Street, Ogden, Utah 84401
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 26 Township 15 S.
Range 42 E. B.M. located on Minnetonka Cave Spring
(name of source)
tributary to St. Charles Creek in Bear Lake County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

1870 amount: 0.001 c.f.s. or 0.5 acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use stockwatering period of use from 5/1 to 10/31 (both dates inclusive)
use domestic period of use from 5/1 to 10/31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of a concrete box over the spring; length is _____ feet; height is _____ feet; width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____ capacity of pump is _____ g.p.m.; name and address of well driller is _____

[illegible]

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered Approximately
100 cattle in pioneer period.

7. Where water is used for domestic or municipal purposes give number of families served about 5500 per year
name of town supplied National Forest Recreation Area

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities The Minnetonka Cave Spring is on National Forest land. It was used by livestock as far back as 1870. It was also used by early resource users, livestock men, timber cutters, etc., since pioneer settlement.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

The claimant also asserts a right to the water for the purpose described herein by reason of the President's Proclamation of May 28, 1906 setting aside the land described herein for national forest purposes.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

FLOYD IVERSON, Regional Forester

October 13, 1967
(Date)

By [Signature]
(Signature of Claimant) Acting Regional Forester

State of ~~Idaho~~ Utah } ss.
County of Weber

On this 13th day of October 19 67, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]

Notary Public residing at Ogden, Utah

My commission expires 9/8/68

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>ef</u>	<u>10-16-67</u>			
Prelim. check by <u>DWR</u>	Date <u>10-27-67</u>			
Fee received by <u>ef</u>	Date <u>11-27-67</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>KS</u>	<u>12-14-67</u>			
Published in <u>News Examiner</u>	Dates <u>12-28-67</u> <u>1-4-68</u>			

Rec'd # 187 in app # 42147

11-4010

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.

2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.

3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:		May 18, 1871	amount:	0.8 c.f.s. or	acre feet
		June 1, 1901	amount:	0.4 c.f.s. or	acre feet
Total claimed:		1.2 c.f.s. or	acre feet		

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
6, 7, & 8. Describe any other uses of water.

9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

THE NEWS-EXAMINER

MONTPELIER, IDAHO

RECEIVED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

W. Jerome Taylor

being first duly sworn, deposes and says
he is Publisher and Foreman of the
News-Examiner; that the said News-Examiner
is a weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of general
circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for two
successive weeks, commencing with the issue
dated December 28, 1967
and ending with the issue
dated January 4, 1968

W. Jerome Taylor
Publisher and Foreman.

Subscribed and sworn to before me this 17th day of January, 1968

Jan L. Buzgama
Notary Public.

CLAIM TO A WATER RIGHT No. 11-4010

Notice is hereby given that the United States of America—Forest Service, 324 25th Street, Ogden, Utah, has filed a claim to a water right established by diversion and application to beneficial use of 0.001 cubic feet per second or .05 acre feet of water from Minnetonka Cave Spring, tributary of St. Charles Creek, with point of diversion in NE 1/4 SW 1/4, sec. 26, T. 15 S, R. 42 E, B.M. Bear Lake County; the water is claimed to be used for stock water and domestic purposes from May 1, to October 31 with a priority of 1870 for 0.001 c.f.s. or 0.5 acre feet; the place of use in Minnetonka Cave, a National Forest Recreation Area.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer
Published in the Montpelier
News-Examiner, Montpelier, Idaho,
on December 28, 1967, and January
4, 1968.

11-4010

THE NEWS+EXAMINER

MONTPELIER, IDAHO

Advertising & Commercial Printers

Statement: Account of ~~Department of Reclamation~~
State of Idaho

Date Jan., 1968

Dec.
28

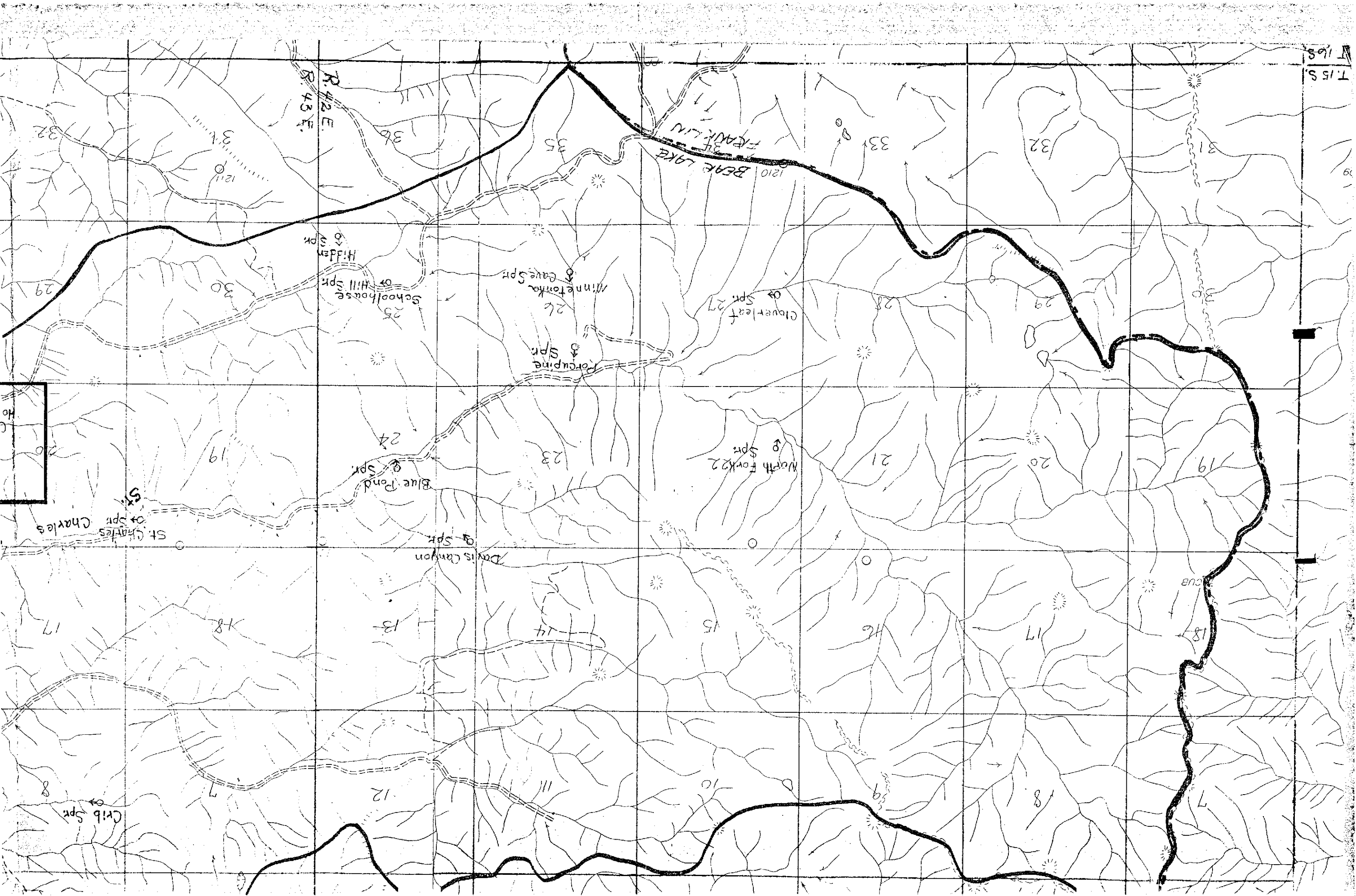
228 Line Notice Claims
11-4007, 11-4008, 11-4009,
11-4010, 11-4011, 11-4012,
and 11-4013 - 2 issues

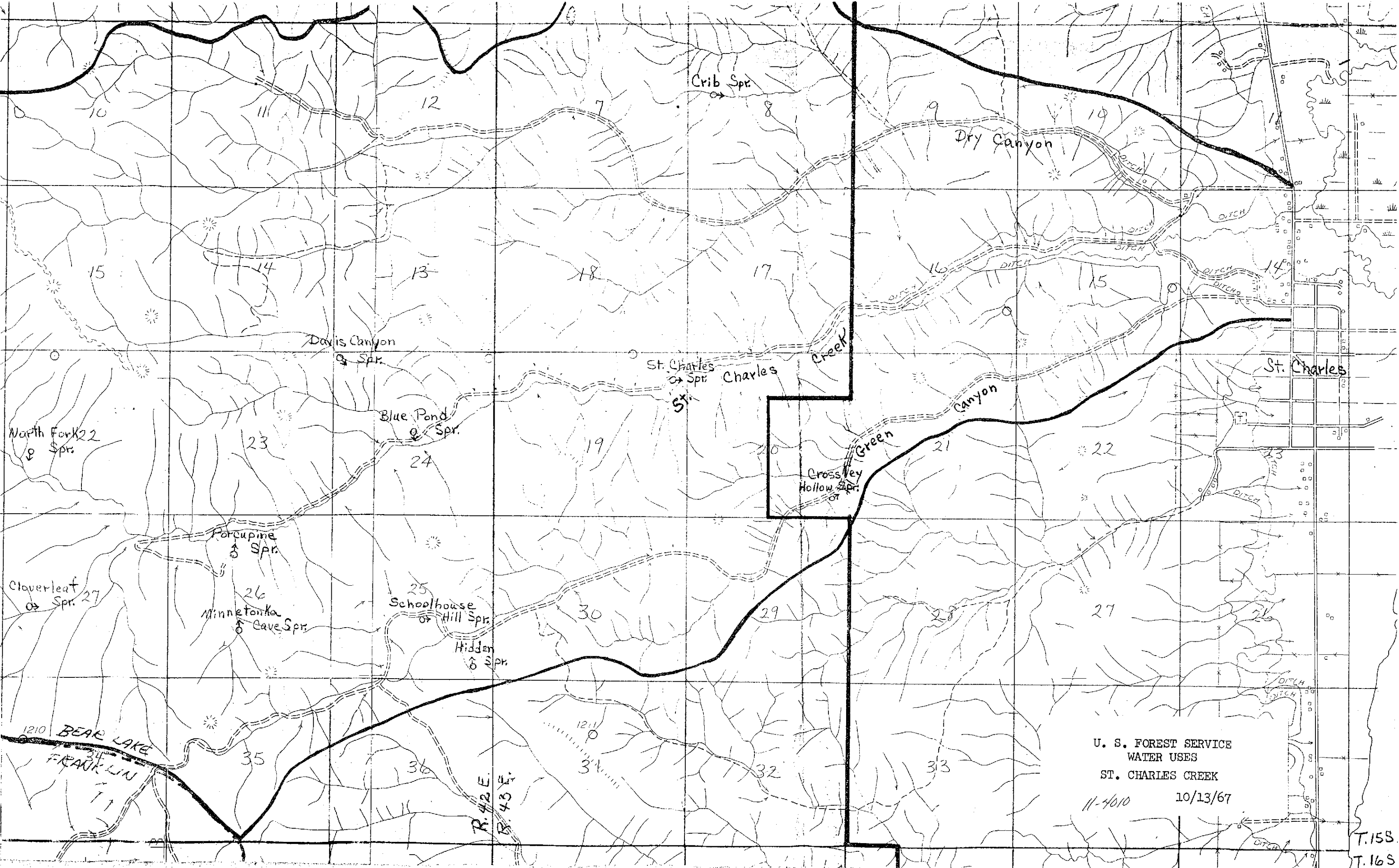
\$52.52

I hereby certify that the foregoing
account is just and correct, that
the amount claimed is legally due,
after allowing all just credits, and
that no part of same has been paid.

Peter J. Taylor
Signature of claimant

11-4010





U. S. FOREST SERVICE
WATER USES
ST. CHARLES CREEK

11-4010 10/13/67

T. 15S
T. 16S

WRR100
11-4010

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
12-MAR-1986 21:02:05

01 WATER RIGHT NUMBER - 11-4010

02 OLD (D) NUMBER -

LAST NAME
03001 - U.S. DEPT. OF AGRIC.

FIRST NAME
04001 -

ORIG. OWNER
05001 - C

06 ADD LINE 1 - FOREST SERVICE

07 ADD LINE 2 - FEDERAL BLDG.

08 ADD LINE 3 - 324 25TH ST.

09 CITY - OGDEN

10 STATE - UT 11 ZIP - 84401

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE
14001 - MINNETONKA CAVE SPRING

TRIBUTARY OF
15001 - ST. CHARLES CREEK

16 DIVERSION MEANS -

17 CCUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .010

20 TOTAL DIVERSION VOLUME - .50

21 WATER DISTRICT -

TRACT SEC TWN RNG LOT RFLG STREAM INDEX FIELDS

22001 - NESW 23001 - 26 24001 - 15S 25001 - 42E 26001 - 27001 - 28001 - 0 100.0 172.0 11.0 2.0 5.0 0.0 0.0 0 0 0.9

29 NON-IRRIGATION USE - S/100 RANGE D/MINNETONKA CAVE.

USE CODE / USE TWN RNG PLACE OF USE SEC TRACT ACRES LOT

30001 - 04 STOCKWATER

31001 - 15S 32001 - 42E 33001 - 26 34001 - NESW 35001 - 36001 -

TOTAL ACRES: 0

PERIOD FROM PERIOD TO USE CODE / USE WATER USE DIVERSION RATE DIVERSION VOLUME

37001 - 0501 38001 - 1031 39001 - 04 STOCKWATER 40001 - 0.010 41001 - 0.50
37002 - 0501 38002 - 1031 39002 - 43 DOMESTIC 40002 - 0.000 41002 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 - P/U NATIONAL FOREST RECREATION AREA.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY - DATE - 1-JUN-1870
48 PROOF DUE -
49 PROOF MADE -
50 APPROVE/DENIED -
51 PROTESTED -
52 HEARING -
53 VERIFIED -
55 LICENSE - DATE -
56 APPL RECEIVED -
57 FIELD EXAM MADE -
58 DECREE -
59 START WORK -
60 CRDR SHOW CAUSE -
61 CATE_1 -
63 TRANSFER/AMENDED -
64 OLE/CAREY ACT -
65 FLAG_1 -
66 FLAG_2 -
67 FLAG_3 -

WRRI00
11-4010

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
12-MAR-1986 21:02:05

----- D A T E S -----
54 LAST UPDATE - 13-NOV-1981 62 CATE_2 -

3/14/86
NOT DELETED
VERIFIED JKN

IDENT. NO. 11-4010

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. _____

OTd No. _____

New No. _____

1 11-4010

Record

1. Original Owner: U.S. Dept. of Agr.

Present Owner: _____

2. Address: Forest Service, Federal Bldg., 324 25th St.3. City: Ogden State: Ut Zip: 844014. A. Source of Water: Mingetunka Cave SpringB. Tributary of: Saint Charles Creek5. A. Stage (A,P,L,D,S,J): I

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1870D. County: 07E. Total Diversion Rate: .01F. Total Diversion Volume: .5

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NESW</u>	<u>26</u>	<u>15</u>	<u>42E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 5-1 to 10-31 for I purposes. Amount .01/.5
(cfs or AC-FT/yr)from 5-1 to 10-31 for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

January 18, 1968

Re: Claim No. 11-4013, 11-4012, 11-4011, 11-4010, 11-4009,
11-4008, and 11-4007

United States of America - Forest Service
324 25th Street
Ogden, Utah 84401

Gentlemen:

Your claims to water rights have been received and processed by the Department of Reclamation. The information in your claims have been filed in the above referenced claim folders.

Enclosed is your receipt No. 187 in the amount of \$70.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosure: Receipt No. 187

11-4010

January 15, 1968

Re: Claim No. 11-4007, 11-4008, 11-4009, 11-4010, 11-4011, 11-4012,
and 11-4013

The News Examiner
Montpelier, Idaho

Gentlemen:

Returned herewith is the affidavit of publication for the
above referenced claims. Please be advised that we will accept
the bill in the form of a total of all the claims advertised, but
we would appreciate, if possible, an individual affidavit for
each claim. This is necessary since we must have an original copy
of the affidavit for each file. We appreciate your help in this
matter.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWM:ks

Enclosure: Original affidavit

C
O
P
Y

11-4010

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 11-4010

Notice is hereby given that the United States of America—Forest Service, 324-25th Street, Ogden, Utah, has filed a claim to a water right established by diversion and application to beneficial use of 0.001 cubic feet per second or ~~35~~ acre feet of water from Minnetonka Cave Spring, tributary of St. Charles Creek, with point of diversion in NE $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 26, T. 15 N., R. 42 E., B.M. Bear Lake County; the water is claimed to be used for stock water and domestic purposes from May 1, to October 31 with a priority of 1870 for 0.001 c.f.s. or 0.5 acre feet; the place of use in Minnetonka Cave, a National Forest Recreation Area.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Montpelier News-Examiner, Montpelier, Idaho, on December 28, 1967, and January 4, 1968.

11-4010

Sec. 12-26-67

December 14, 1967

Re: Claim No. 11-4007, 11-4008, 11-4009, 11-4010, 11-4001, 11-4012,
and 11-4013

Montpelier News-Examiner
Montpelier,
Idaho 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

(Do not sign letter)

Signature of claimant

Very truly yours,

Donald W. McElownoy
Water Rights Clerk

DWM:ks

Enclosures: Copies of legal notices (7)

Form 3

11-4010

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4010

Notice is hereby given that the United States of America - Forest Service,
324 25th Street, Ogden, Utah has filed a claim to a water right established
by diversion and application to beneficial use of 0.001 cubic feet per second or 0.5
acre feet Minnetonka Cave Spring, tributary of St. Charles Creek
(0.001 c.f.s.) of water from _____ with point of diversion
in NELSON, sec. 26, T. 15S, R. 42 E., B.M., Bear Lake County ;
the water is claimed to be used for stock water and domestic
purposes from May 1 to October 31 with a priority of
1870 for 0.001 c.f.s. / or 0.5 acre feet ; the place of use is Minnetonka Cave, a National
Forest Recreation Area

Any exception to this claim of water right may be filed with the Department of
Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Montpelier News-Examiner Montpelier ,
December 23, 1967 January 4, 1968
Idaho, on _____ and _____ .

11-4010

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

INTERMOUNTAIN REGION

FEDERAL OFFICE BUILDING
324 25TH STREET
OGDEN, UTAH 84401

IN REPLY REFER TO

2540

November 22, 1967

RECEIVED
11-27-1967

Department of Reclamation

Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho 83701

Dear Mr. Higginson:

Reference is made to Mr. Allred's letter of November 15, 1967,
concerning our water use claims in the St. Charles Creek basin.

The information requested is as follows:

1. No works of improvement have been installed at the spring located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T. 15 S., R. 42 E., B.M. (There is sufficient water for the livestock without development.)
2. The spring below Minnetonka Cave in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T. 15 S., R. 42 E., B.M., was developed in 1938.
3. Schoolhouse Spring and Crossley Hollow Spring were developed in 1930, and Hidden Spring was developed in 1966.

We hope this data will assist Mr. Allred in handling the claims.

Sincerely yours,

FLOYD IVERSON
Regional Forester

By

S. A. Quiskell



11-4010

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
INTERMOUNTAIN REGION

FEDERAL OFFICE BUILDING
324 25TH STREET
OGDEN, UTAH 84401

IN REPLY REFER TO

2540

October 13, 1967

Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho 83701

Dear Mr. Higginson:

Reference is made to your request for our uses of water in the St. Charles Creek drainage.

We are enclosing "Claim to a Water Right" forms for the seven water sources we are using in St. Charles Creek. A 2-inch scale map shows the location of the springs.

A voucher is also enclosed to facilitate payment of the agreed costs.

Sincerely yours,

FLOYD IVERSON
Regional Forester

By

[Handwritten signature]

Enclosures



11-4010