

THE NEWS-EXAMINER

MONTPELIER, IDAHO

RECEIVED

JAN 18 1968

Department of Reclamation

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

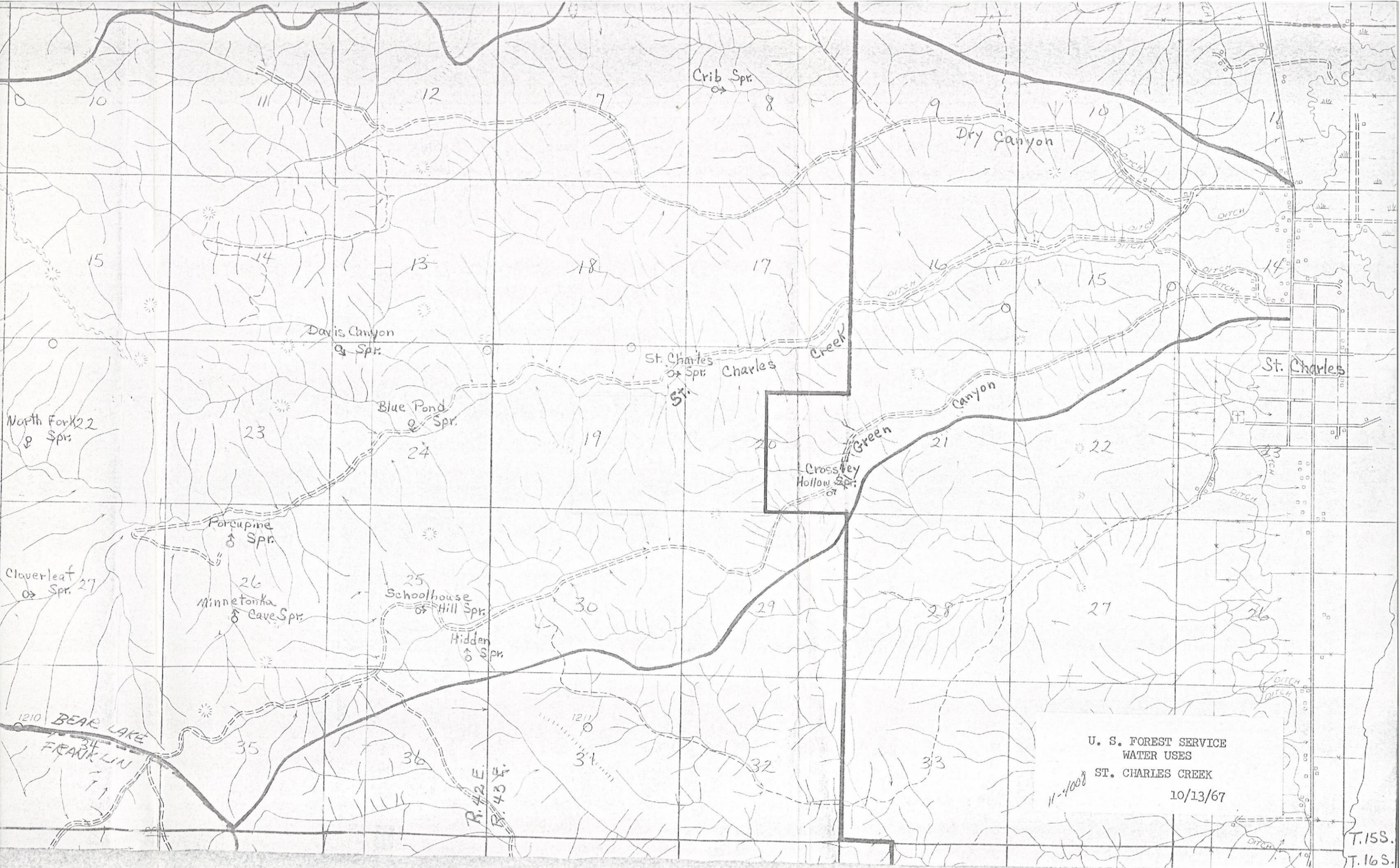
Tom L. Burgoine
Notary Public.

NOTICE TO CLAIM TO A
WATER RIGHT
No. 11-4008
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
0.006 cubic feet per second or 3.0
acre feet of water from Davis Can-
yon Creek, tributary of St. Charles
Creek with point of diversion in the
SE $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 24, 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 0.006 cubic feet
per second or 3.0 acre feet; the
place of use is the Blue Pond and
Davis Canyon Camp Areas.
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.

11-4008



T. 15 S.
R. 16 S.



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

10/13/67

T. 15S.
T. 16S.

Identification No. 11-4008
Claim No. 42147
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 SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 24 Township 15 S.
Range 42 E. B.M. located on Davis Canyon Creek
(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:

<u>1870</u>	amount: <u>0.006</u> c.f.s. or <u>3.0</u> 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 <u>stockwatering</u>	period of use from <u>5/1</u>	to <u>10/31</u>	(both dates inclusive)
use <u>domestic</u>	period of use from <u>5/1</u>	to <u>10/31</u>	(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 headbox at spring and diversion pipe; length is 20 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 _____

11-4008

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[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 400 people
name of town supplied Blue Pond and Davis Canyon Camp Areas

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 _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The area near the spring is a favorite camping spot. People using these areas in the past have dipped water from the open streams and from the pipe. The Forest Service plans to eventually develop campgrounds in this area.

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.

October 13, 1967
(Date)

FLOYD IVERTSON, Regional Forester
By [Signature]
(Signature of Claimant) Acting Regional Forester

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

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.

Ina L. Lindstrom
Notary Public residing at Ogden, Utah

My commission expires 9/8/68

For Department Use Only

Received by <u>[Signature]</u> Date <u>10-16-67</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>[Signature]</u> Date <u>10-27-67</u>	_____	_____	_____
Fee received by <u>[Signature]</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>	_____	_____	_____

rect #187 in folder app #42147

11-4008

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

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
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That the notice attached was published in
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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

[Signature]
Notary Public.

**NOTICE TO CLAIM TO A
WATER RIGHT**
No. 11-4008
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Creek with point of diversion in the
SE $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 24, T. 18 S, R. 42
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R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Montpelier
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on December 28, 1967, and January
4, 1968.

11-4008

THE NEWS+EXAMINER

MONTPELIER, IDAHO

Advertising & Commercial Printers

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

Date

Jan., 1968

Dec.
28

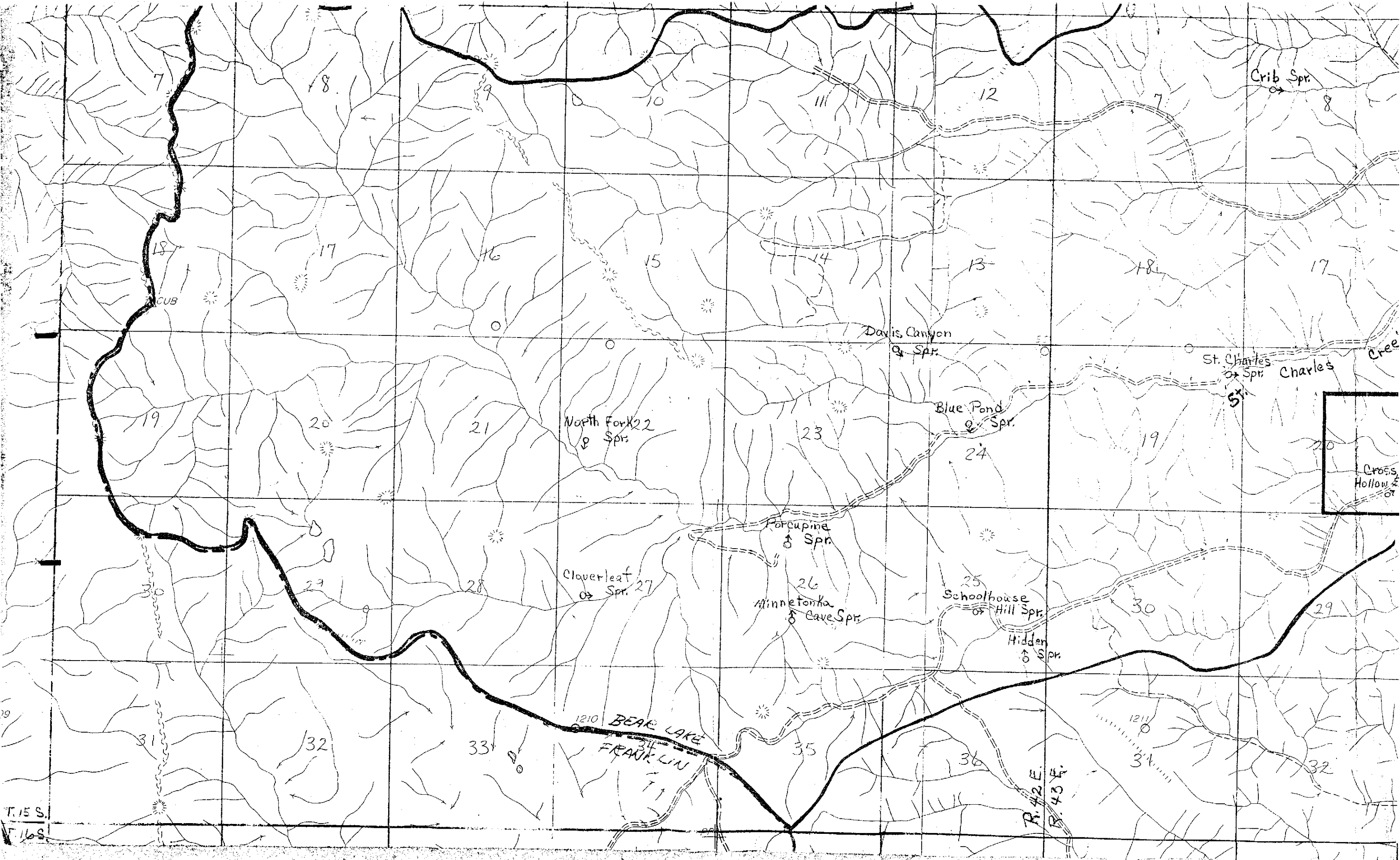
228 Line Notice Claims
11-4007, 11-4008, 11-4009,
11-4010, 11-4011, 11-4012,
and 11-4013 - 2 issues

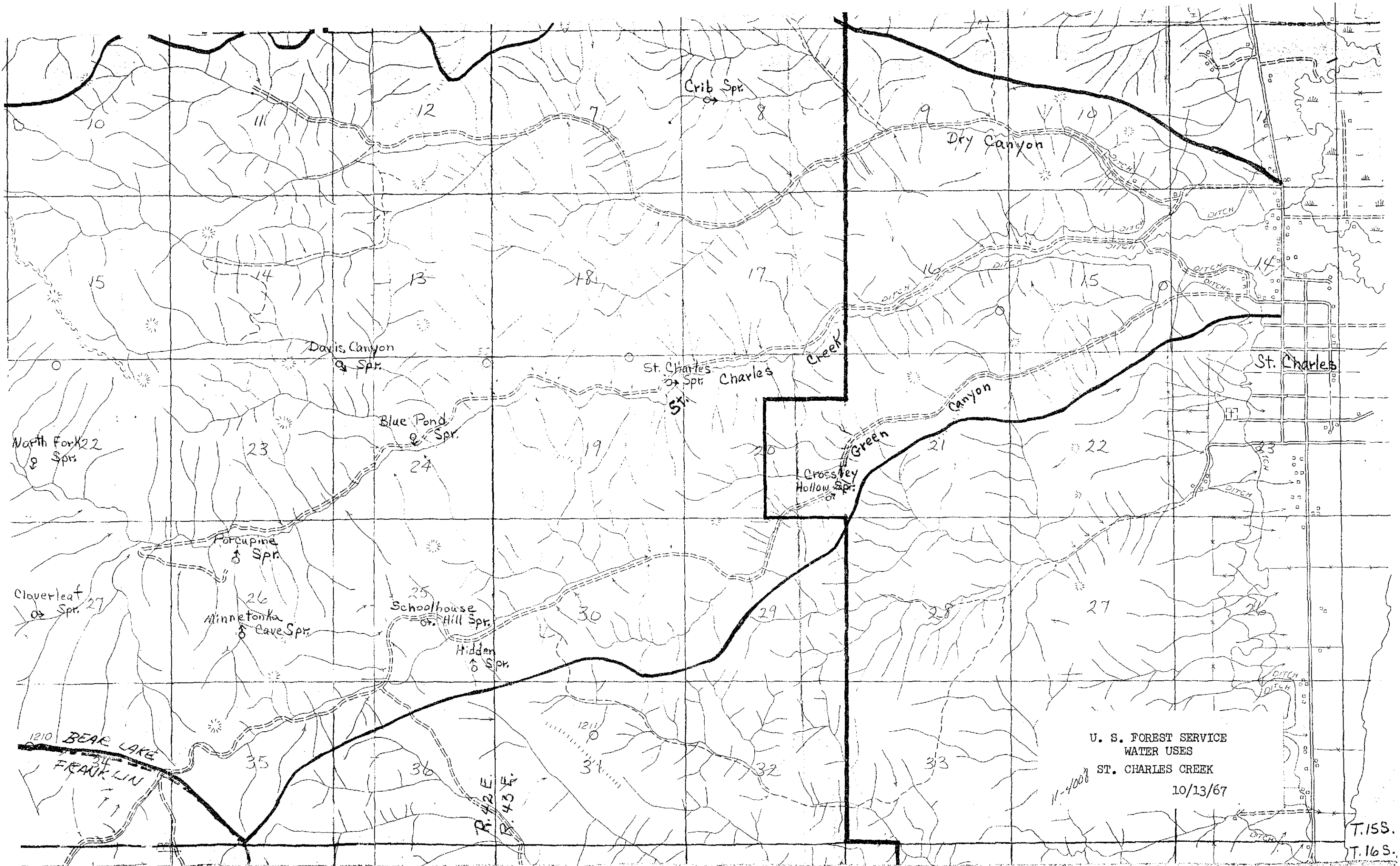
\$52.52

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.


Signature of claimant

11-4008





U. S. FOREST SERVICE
WATER USES

ST. CHARLES CREEK

10/13/67

T. 15S.

T. 16S.

WRR100
11-4008

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

01 WATER RIGHT NUMBER - 11-4008

02 CLD (CD) NUMBER -

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

04001 -

FIRST NAME

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 - DAVIS CANYON CREEK

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 - 3.00

21 WATER DISTRICT -

TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELD	OS
-------	-----	-----	-----	-----	------	--------	-------	-------	----

22001	SENW	23001	24	24001	15S	25001	42E	26001	27001	28001	0	100.0	172.0	11.0	2.0	3.0	0.0	0.0	0.0	0.5
-------	------	-------	----	-------	-----	-------	-----	-------	-------	-------	---	-------	-------	------	-----	-----	-----	-----	-----	-----

29 NON-IRRIGATION LSE - S/100 RANGE D/CAMPGROUNDS.

USE CODE / USE	TWN	RNG	PLACE OF USE	TRACT	ACRES	LOT				
30001 - 04 STOCKWATER	31001	15S	32001	42E	33001	24	34001	SENW	35001	36001
30002 - 04 STOCKWATER	31002	15S	32002	42E	33002	24	34002	NWNW	35002	36002

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	3.00
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 BLUE POND & DAVIS CANYON CAMP AREAS.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

DATE	1-JUN-1870	DATE	63 TRANSFER/AMENDED
47 PRIORITY		64 DLE/CAREY ACT	
48 PROOF DUE		65 FLAG_1	
49 PROOF MADE		66 FLAG_2	
50 APPROVE/DENIED		67 FLAG_3	
51 PROTESTED			
52 HEARING			

WRR100
11-4008

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

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

53 VERIFIED
54 LAST UPDATE - 11-JAN-1982

61 CATE_1
62 CATE_2

D A T E S

D A T E S

F L A G S

VERIFIED JKN

3/4/86

3/79

IDENT. NO. 11-4008

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

OTd No.

New No.

111-4008

Record

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

Present Owner: _____

2. Address: Forest Service, Federal Bldg., 324 25th St.3. City: Ogden State: Ut Zip: 844014. A. Source of Water: Davis Canyon CreekB. Tributary of: Laynt 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: 3-

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>SE NW</u>	<u>24</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 .01/3-
(cfs or AG-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

11-4008

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. McElDowney
Water Rights Clerk

DWM:ks

Enclosure: Original affidavit

11-4008

**NOTICE TO CLAIM TO A
WATER RIGHT**

No. 11-4008

Notice is hereby given that the United States of America—Forest Service, 224-226th Street, Ogden, Utah, has filed a claim to a water right established by diversion and application to beneficial use of 0.006 cubic feet per second or 2.0 acre feet of water from Davis Canyon Creek, tributary of St. Charles Creek with point of diversion in the SE¼NW¼, sec. 24, T. 15 S., R. 12 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 1970 for 0.006 cubic feet per second or 2.0 acre feet; the place of use is the Blue Pond and Davis Canyon Camp Areas.

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 26, 1967, and January 4, 1968.

11-4008

Rec. 1526-67

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

11-4008

NOTICE OF CLAIM TO A WATER RIGHT
No. 11-4008

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 0.006 cubic feet per second or 3.0 acre feet of water from Davis Canyon Creek, tributary of St. Charles Creek with point of diversion in the SE 1/4, sec. 24, 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 0.006 cubic feet per second or 3.0 acre feet; the place of use is the Blue Pond and Davis Canyon Camp Areas.

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

R. KEITH HITCHCOCK
State Reclamation Engineer

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

11-4008

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.

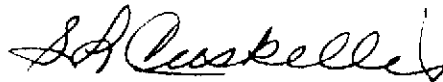
We are enclosing "Claim to a Water Right" forms for the seven water sources we are using in St. Charles Creek. A 2-inch scale map shows the location of the springs.

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

Sincerely yours,

FLOYD IVERSON
Regional Forester

By



Enclosures



11-4008

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

November 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



11-4008