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Identification No. 9

Claim No. 17-4012

Map No. _____

Salyer - Spring

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

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 NE $\frac{1}{4}$ Section 2 Township 14S
Range 31E B.M. located on Curlew National Grassland UNNAMED SPRING
(name of source)
tributary to Deep Creek in Oneida 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>1938</u>	amount: <u>.02</u>	c.f.s. or	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>stock water</u>	period of use from <u>4/1</u>	to <u>12/31</u>	(both dates inclusive)
use _____	period of use from _____	to _____	(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
head house; length is 3' feet; height is 2' feet;
width at bottom is 3' feet; width at top is 3' 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 _____
_____;

if so, give dates and explain.

feet is _____feet; material through which ditch passes is _____;

%8 - 0

ing date and dimensions if possible.

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

_____ is reservoir on or off stream—explain

location of reservoir by 40-acre subdivisions

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and

100% 90% 80% 70% 60% 50% 40% 30% 20% 10% 0%

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
TOTALS			NE¼				NW¼				SW¼				SE¼			

_____. The other users and their respective
interests in the ditch are (if known) _____

700 Hereford Cattle

name of town supplied _____

giving dates and quantities

[illegible]

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

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

VERN HAMRE, Regional Forester

VERN HAMRE, Regional Forester

By S. L. Cuskelly
S. L. Cuskelly, Claimant Acting Regional Forester

Sworn to before me this 15th day of May 1964.

Day of March 1920
Notary Public

Residing at Ogden, Utah

My commission expires 12/15/71

Leaf # 5992

For Department Use Only

Received by <u>JK</u> Date <u>4-21-71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>JD</u> Date <u>4-21-71</u>	_____	_____	_____
Fee received by <u>JK</u> Date <u>5/10/71</u> Fee \$ <u>10⁰⁰</u>	_____	_____	_____
Approved for publication by <u>D</u>	_____	_____	_____
Published in <u>Enterprise</u> Dates <u>5-20 + 27, 1971</u>	_____	_____	_____

17 4212

17 4912

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 if 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.

IN THE MATTER OF:

AFFIDAVIT

Salter-Spring

State of Idaho

County of Oneida

Paul L Clark

being first duly sworn,

deposes and says:

my name is Paul L Clark

I am the Range Technician on the Malad Range District Caribou National Forest.

On March the 7th 1969 I personally talked to Carl Hickman who stated to me that he had personal knowledge concerning the above referred spring located in ^{SE} $\frac{1}{4}$, NE $\frac{1}{4}$ Section 2 T14S, R31E, B2M.

Mr. Hickman further stated that the spring prior to 1938 provided water for early homestead use.

Stated that the spring was developed and piped to a water trough for livestock use during the year 1938

Paul L Clark

(signature)

Subscribed and sworn to before me this 16th day of March 19 71.

Robert L. Roberts

(Notary Public)

Residing at

Bozette, Idaho

My commission expires

4-1-74

17 4012

Affidavit of Publication

State of Idaho
County of Oneida, ss.

Norma Champney being first duly sworn on
her oath, states: That she is *clerk*

of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ... successive weekly issues thereof the date of the first publication being the *20* day of *May* 19*71*. the date of the last publication being the *27* day of *May* 19*71*.

NOTICE OF CLAIM TO A WATER RIGHT No. 17-4012

Notice is hereby given that the U. S. Forest Service, 324 - 25th St., Ogden, Utah, has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an unnamed spring with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, T. 14S, R. 31E, B.M., Oneida County.

The water is claimed to be used from April 1 to Dec. 31 for stock-water purposes with a priority of 1938; the place of use is within the above description.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho on May 20 and May 27, 1971.

Norma Champney

Subscribed and sworn to before me this *28th* day of

May, 19*71*.

H. D. Haylor

Notary Public, residing at Malad, Idaho

My Commission expires the *10* day of *Oct*, 19*72*.

Costs: *29* lines at ^{*23*}~~13~~c per line first insertion \$*6.67*.

^{*34 $\frac{1}{2}$*}
..... lines tabulated at 20c per line \$.....

^{*15*}
10c per line each subsequent insertion \$*4.35*

TOTAL \$*11.02*

(Rates for legal notices are fixed by Idaho law)

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

June 3, 1971

Re: Claim to a Water Right Nos. (17-4009) (17-4010)
(17-4011) (17-4012)
(17-4013) (17-4014)
(17-4015) (17-4016)
(17-4017) (17-4018)
(17-4019)

U. S. of America Forest Service
324 - 25th Street
Ogden, Utah 84401

Gentlemen:

The Department of Water Administration has completed the processing of your claims to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, a copy of your claims. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM/bb

Enclosure: Copy of Claims



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

17 4012

May 12, 1971

Re: Claim No. 17-4009 17-4013 17-4017
17-4010 17-4014 17-4018 - U. S. Forest Service
17-4011 17-4015 17-4019
17-4012 17-4016

Idaho Enterprise
P.O. Box 205
Malad City, Idaho 83252

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 our 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 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. 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 the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

Bill submitted 6-3-71 by ds

DWM:DR
Enc: Legal notices (11)

17 4012

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The water is claimed to be used from April 1 to Dec. 31 for stock-water purposes with a priority of 1938; the place of use is within the above description.

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R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho on May 20 and May 27, 1971.

O.K.
5-17-71
B.B.

17 4012

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No. 17-4012

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of water from an unnamed spring

with point of diversion in the SE 1/4 Sec. 2, T. 14S, R. 31E, B.M.,
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stockwater purposes

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Director

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17 4012