



United States
Department of
Agriculture

Forest
Service

Caribou-Targhee National Forest
Montpelier Ranger District

322 North Fourth Street
Montpelier, ID 83254
208-847-0375

File Code: 2540-1

Date: November 21, 2005

H.D. Williams
19 East 200 South, STE 1080
Salt Lake City, UT 84111

Dear Mr. Williams,

We have become aware that you have filed a claim for a water right with the Idaho Department of Water Resources (IDWR) for stock water in the SWNW of Section 21, T16S, R43E, Boise Meridian. This is for water from a spring and the place of use is also in the SWNW of Section 21. Our records show that this is National Forest System (NFS) land and that you are not authorized to occupy and use NFS land for this purpose. Forest Service personnel visited this site last week and using Global Positioning System technology verified the land ownership at this location. More specifically, this area is part of the Fish Haven Cattle Allotment on the Cache National Forest (Administered by the Caribou-Targhee National Forest). We have no record of you having acquired grazing privileges on NFS land or having applied for a term grazing permit. In addition, the Forest Service installed a trough connected to a spring in the SWNW of Section 21 in 1947 and re-constructed it in 1976.

You need to be aware that all occupancy and use of NFS land to construct and operate water diversion and transport facilities or to use water on NFS land must be authorized by the Forest Service under 19 U.S.C. 551, 43 U.S.C. 1761, 36 CFR 222, 36 CFR 251.50, 36 CFR 261.7(a), and 36 CFR 261.10(a). Because you are not authorized to occupy and use NFS land for the purpose shown on your claim there is no ability to exercise the beneficial use stated in your application. To do so could be a violation of the laws and regulations cited above.

This letter is notice to you that you must comply with applicable federal law and policy to obtain authorization to occupy and use NFS land. If you desire to pursue this matter or have questions please contact me or Heidi Heyrend of my staff at (208) 847-0375 so that we can discuss the situation.

Sincerely,

DENNIS DUEHREN
District Ranger

cc: Idaho Department of Water Resources

