

No Color
Documents
In File

RECEIVED

MAY 16 1969

Department of Reclamation

Identification No. _____

Claim No. 41-4000

Map No. _____

Kurtz Well

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 St. Ogden, Utah 84401
2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 9 Township 13S
Range 31E B.M. located on Curlew National Grassland
(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:

1910 amount: .01 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 stock water period of use from 4/1 to 12/31 (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 _____
_____ ; 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 pumped ; depth of well is 200 feet; diameter of well is 4 inches; type of pump is 1 7/8 cylinder tower type wind powered
capacity of pump is 6 g.p.m.; name and address of well driller is _____
_____ ;

41 4000

c. Conveying works: length of ditch to place of use is _____feet; width of ditch at top is _____feet; width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000 feet is _____feet; material through which ditch passes is _____feet; maximum length of pipe line to first place of use is _____feet; diameter of pipe line is _____inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

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

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

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 _____
700 Hereford Cattle (Cows and Calves)

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

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 _____

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.

MAY 14 1969
(Date)

State of Idaho }
County of Weber } ss.

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

On this 14th day of May 19 69, 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 12/15/71

For Department Use Only

Received by de Date 5-16-69

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by _____ Date _____

Fee received by ej Date 6-4-69 Fee \$ 10.00

Approved for publication by to 6-17-69

Published in _____ Dates 6-19-69

rec'd # 3127

41 4000

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.

AFFIDAVIT

State of Idaho)
County of Oneida)

being first duly sworn,

On March 7th 1949 I personally talked with Earl Hickman who stated to me that he had personal knowledge concerning the above referred well located in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ section 9, T13S, R31E, B.M.

Mr. Hickman further stated, said well was drilled and commenced providing water for Culinary and Livestock use during the year 1916.

Paul H. Clark
(signature)

Subscribed and sworn to before me this 27th day of March 19 69.

Maureen L. Howell
(Notary Public)

Residing at Osage, Utah
My commission expires 12/15/91

Affidavit of Publication

State of Idaho
County of Oneida, ss.

Mary Matthews being first duly sworn on
h. oath, states: That *she* is *Chief 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 *2* successive weekly issues thereof the date of the first publication being the *19*. day of *June*..... 19*69*. the date of the last publication being the *26*. day of *June*..... 19*69*.

Mary Matthews

Subscribed and sworn to before me this *27*... day of

June....., 19*69*.....
E. J. Scott

Notary Public, residing at Malad, Idaho

My Commission expires the *19*. day of *May*, 19*71*.

Costs: *27*.. lines at 13c per line first insertion \$.*3.51*.

..... lines tabulated at 20c per line \$.*.....*

10c per line each subsequent insertion \$.*2.70*.

TOTAL \$.*6.21*.

(Rates for legal notices are fixed by Idaho law)

NOTICE OF CLAIM TO A WATER RIGHT No. 41-4000

Notice is hereby given that the United States of America Forest Service, 324-25th St., Ogden, Utah, has filed a claim to a water right established by diversion and application to beneficial use of .01 cubic feet per second of water from a groundwater source with point of diversion in NW 1/4 SW 1/4, Sec. 9, T. 13 S. R. 31 E. B.M., Oneida County; the water is claimed to be used from April 1 to December 31 for stockwater with a priority of 19*69*, the place of use is NW 1/4 SW 1/4, Sec. 9, T. 13 S. R. 31 E. B.M.

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 Idaho Enterprise, Malad City, Idaho on June 19 and June 26, 1969.

RECEIVED

JUN 30 1969

Department of Reclamation

41 4000

bill submitted 4-2-69

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 3, 1969

Re: Claim to a Water Right No. 41-4000 and 41-4001 and 17-4000 to 17-4008

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

Gentlemen:

The above referenced claim to water rights has been received and processed by the Department of Reclamation. The information in your claims have been filed under the above numbers. Please refer to these numbers when adding or changing the information in your claim.

Enclosed is Receipt No. 3127 in the amount of \$110.00 which covers the filing fees for the claims.

You should be advised that the filing of these claims completes the processing procedure by the Department of Reclamation. No further action is authorized under Section 42-225 a and b of the Idaho Code. Your claim will be filed and will remain of public record until such time as you or the court needs the information.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

Enc: Receipt No. 3127 for \$110

41 4000

June 12, 1969

Re: Claim to a Water Right No. 41-4000 and 41-4001--U.S.A.-Forest Service
Claim to a Water Right No. 17-4000 to 17-4008--U.S.A.-Forest Service

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 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 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.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DRR:jmb

Enclosures: Legal Notices (11)

41 4000

**NOTICE OF CLAIM
FOR A WATER RIGHT**

No. 41-4000

Notice is hereby given that the United States of America-Forest Service, 324-25th St., Ogden, Utah, has filed a claim to a water right established by diversion and application to beneficial use of .01 cubic feet per second of water from a groundwater source with point of diversion in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 13 S., R. 31 E., B.M., Oneida County; the water is claimed to be used from April 1 to December 31 for stockwater with a priority of 1910; the place of use is NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 13 S., R. 31 E., B.M.

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 Idaho Enterprise, Malad City, Idaho on June 19 and June 26, 1969.

NOTICE OF CLAIM TO A WATER RIGHT

No. 41-4000

Notice is hereby given that the United States of America-Forest Service,
324-25th St., Ogden, Utah has filed a claim to a water right
established by diversion and application to beneficial use of .01
cubic feet per second 2006/1969 of water from a groundwater source
with point of diversion in
NW/4SW/4, Sec. 9, T. 13 S, R. 31 E, B. M., Oneida County water is
claimed to be used from April 1 to December 31 for stockwater
with a priority of 1910
; the place of use is NW/4SW/4, Sec. 9,
T. 13 S, R. 31 E, B. M.

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 Idaho Enterprise, Malad City, Idaho
on June 19 and June 26, 1969.

41 4000