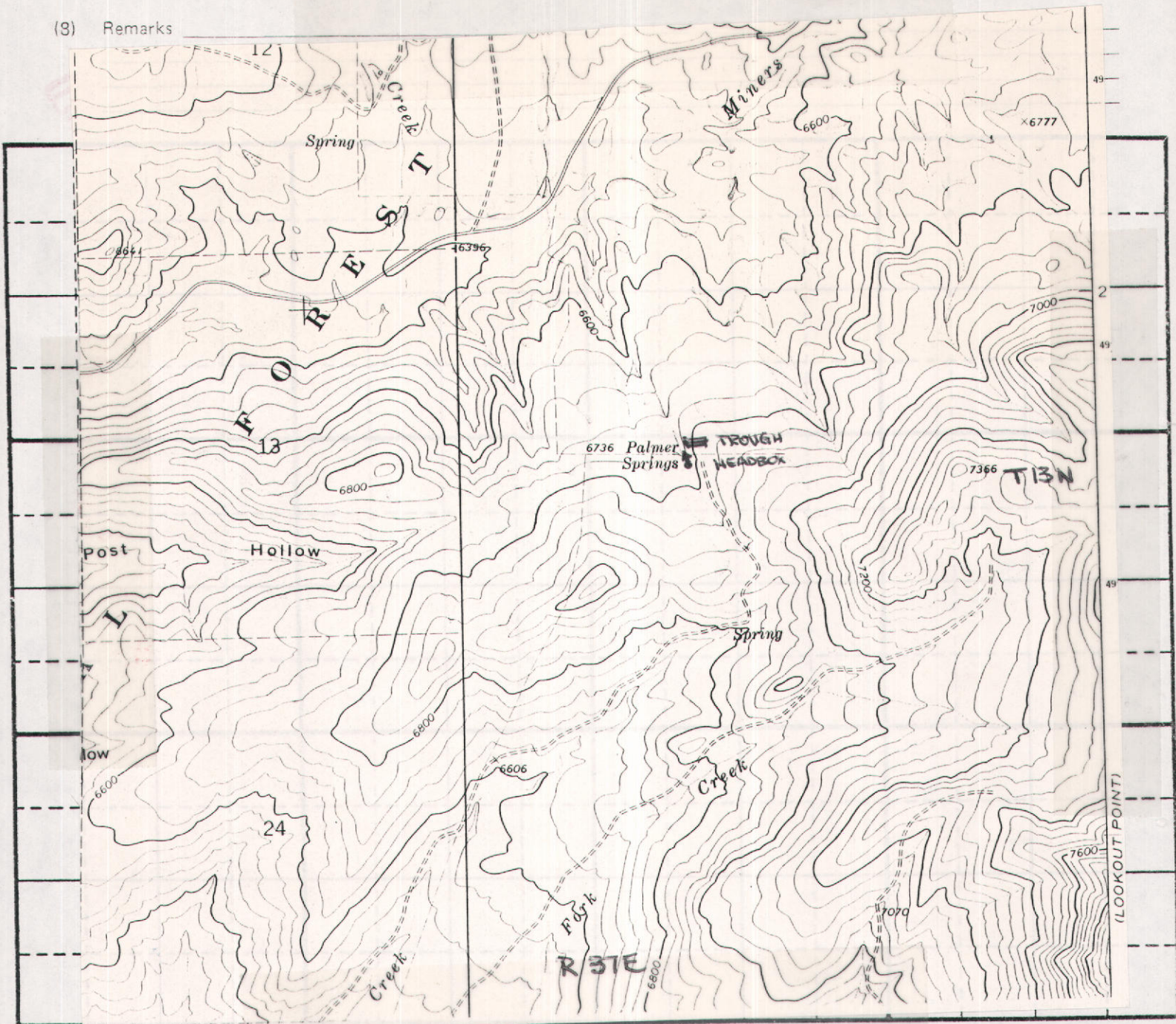


(9) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

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 affiant's knowledge. United States of America-Forest Service.

(for) L. KENT MAYS, JR. (Claimant) DRF-Resources
Sworn to before me this 26th day of January, 19 81.

Adrian Dalton
Notary Public
Residing at Weber Co, Utah

My commission expires 1-4-1984

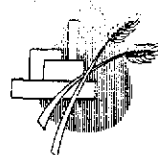
FOR DEPARTMENT USE ONLY

Received by KW Date 1/29/81 Exception filed by: _____ Date _____
Prelim. check by SM Date _____
\$30.00 fee received by V150 Date 3/2/81 # 17064
Published in Rigby Star _____
Dates 2/29/81 4/16/81 4/23/81 _____

31 4083

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that USA - FOREST SERVICE
(Name of Claimant)
324 25TH ST OGDEN, UTAH 84401 Telephone No. 801-626-3561
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1936, 1 June

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
PALMER SPRING tributary to SINKS

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.015 CFS</u>	Use	<u>STOCK</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.015 CFS TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SE 1/4, Sec. 18 Twp. 13N Rge. 31E B.M., County of CLARK
Additional points of diversion:

PW 26 MAP #24

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities; be as specific as possible. Describe any changes in the system and give the date of the change. HEADBOX, PIPELINE TO TROUGH

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>13N</u>	<u>37E</u>	<u>18</u>														<u>X</u>			

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

STOCKWATER FOR 1646 CATTLE ON THE EAST BEAVER CRY

NOTE: Include here the type and number of stock watered: 1646 CATTLE

If you are claiming water as a member of an organization, list name of organization:

RECEIVED

MICROFILMED

My commission expires 1-4-1984

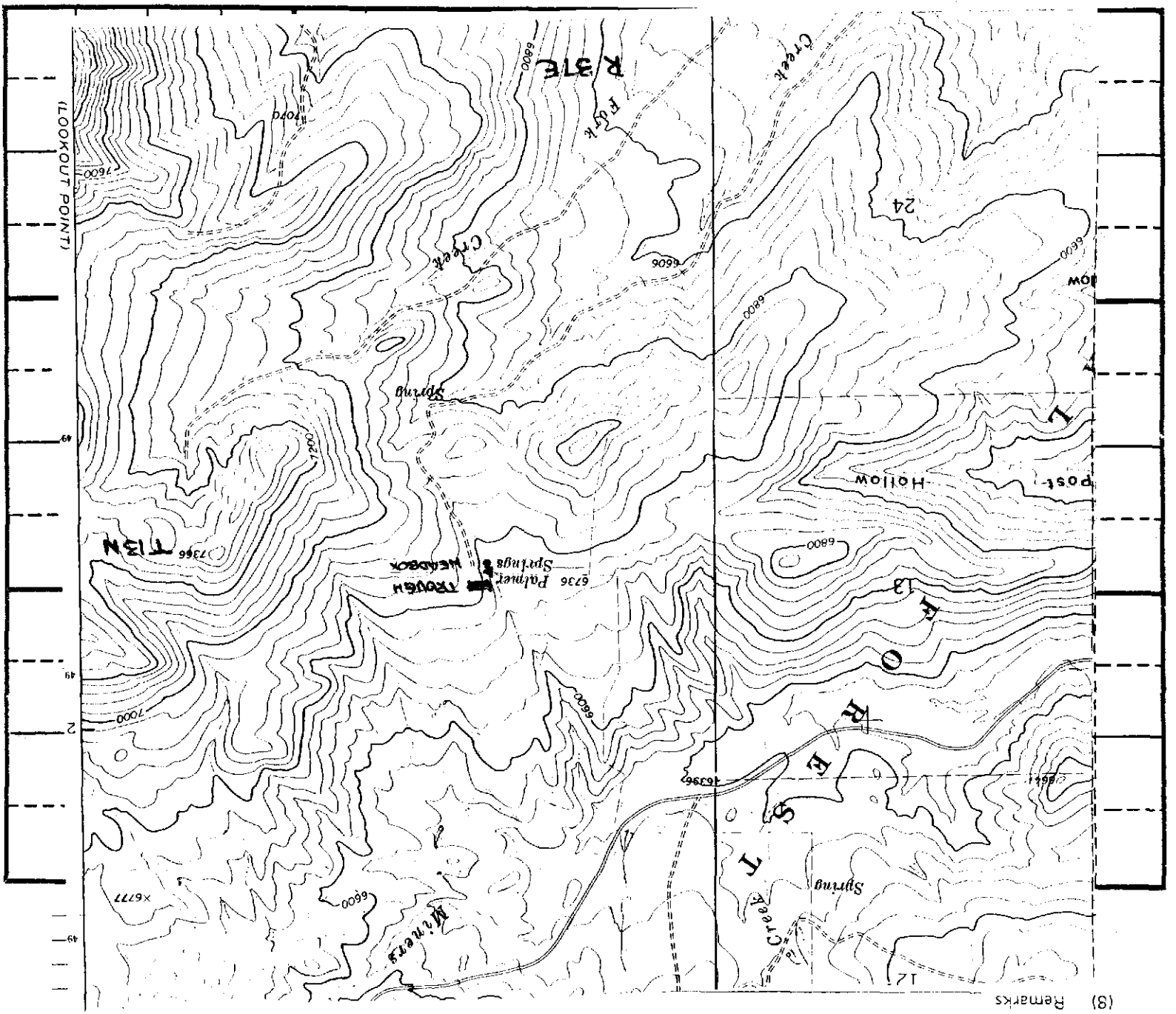
FOR DEPARTMENT USE ONLY

Received by SM Date 1/29/81 Prelim. check by SM Date 3/2/81 \$20.00 fee received by SM Date 3/2/81 Published in Copy 504 Date 4/16/81 4/23/81

State of ~~Idaho~~ Utah)
County of Weber)
ss.)
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 affiant's knowledge. United States of America-Forest Service.
William D. Palmer
(For) L. KENT MAYS, JR. (Claimant) DRF-Resources
Sworn to before me this 26th day of January, 19 81.
Notary Public Residing at Shubert, Utah

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Scale: 2 inches equal 1 mile.



(8) Remarks

IN THE MATTER OF:
USFS Water Use Right
filing #31-4063

AFFIDAVIT

State of Idaho
County of Clark

I, James F. Hagenbarth, being first duly sworn, deposes and says: that by the filing of water use right #31-4063 (As advertised in the Jefferson County Star, Issue 78, Volume 18, of March 23, 1981) the U.S. Department of Agriculture (USFS) is infringing on an existing water use made by Margaret, David, and James Hagenbarth. As owners of the property on which the place of use lies and with no knowledge of an existing agreement or easement with the USFS, we take exception to filing #31-4063. Since 1922 this land has been out of federal ownership and has undoubtedly been used for livestock grazing. Since 1971, David, Margaret, and James Hagenbarth have leased this ground to a member of the East Beaver Grazing Association. Along with this lease is the privilege to use the existing water for stockwater purposes. We again take exception to water use application #31-4063 on two points:

- 1) That the water applied for has been in use as stockwater since 1922 on this private tract of ground. (Tax #1, Sec. 18, Township 13 North, Range 37 East)
- 2) That to my knowledge the place of use and point of diversion lie on private ground and no easements or right of ways have been granted to the USFS for this development.

James F. Hagenbarth
(Signature)

Subscribed and sworn to before me this 28th day of April, 1981.

Robert J. Blake
(Notary Public)

Residing at Dillon, Mt.

My Commission Expires 12/6/83

MICROFILMED

RECEIVED

APR 30 1981

Department of Water Resources
Eastern District Office

Department of Justice
P.O. Box 1101
Dillon, Mont 59725

State Dept. of Water Resources
150 Spring Ave
Lethbridge, Alberta S3401

MICROFILMED



TO WATER RIGHTS
Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

31-4062

U.S. Dept. of Agri., Forest Service, Federal Bldg., 324 25th St., Ogden, UT 84401
Source: Spring tributary to Sinks

Priority Date: 06/01/1951

Amount: 0.02 CFS 0.5 AC-FT

Diversion Point: SENW Sec 04 T 12N R 35E, Clark Co.

Use: Stockwater (0.02 CFS) from 04/01 to 12/31; Stockwater Storage (0.5 AC-FT) from 01/01 to 12/31; Stockwater from Storage (0.5

AC-FT) from 04/01 to 12/31; Diversion to Storage (0.02 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 04 T 12N R 35E

Diversion Means: Reservoir

31-4063

U.S. Dept. of Agri., Forest Service, Federal Bldg., 324 25th St., Ogden, UT 84401

Source: Palmer Spring tributary to Sinks

Priority Date: 06/01/1936

Amount: 0.02 CFS

Diversion Point: NWSE Sec 1 T 13N R 37E, Clark Co.

Use: Stockwater (0.02 CFS) from 01/01 to 12/31

Place of Use: NWSE Sec 18 T 13N R 37E

Diversion Means: Headbox, pipeline, & trough.

31-4064

U.S. Dept. of Agri., Forest Service, Federal Bldg., 324 25th St., Ogden, UT 84401

Source: Big Fir Spring tributary to Sinks

Priority Date: 06/01/1961

Amount: 0.02 CFS

Diversion Point: SENW Sec 1 T 12N R 36E, Clark Co.

Use: Stockwater (0.02 CFS) from 01/01 to 12/31

Place of Use: SENW Sec 11 T 2N R 35E

Diversion Means: Headbox, pipeline & trough.

31-4065

Landers, Ray; Hamer, ID 25

Source: Groundwater

Priority Date: 05/01/1956

Amount: 0.30 CFS

Diversion Point: SWNW Sec 06 T 07N R 36E, Jefferson

Use: Irrigation (0.30 CFS) from 04/01 to 11/01; Stockwater (0.09 CFS) from 1 to 12/31

Place of Use: SWNW Sec 06 T 07N R 36E for acres

Diversion Means: pump.

By exception to any claim water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Boise Falls, Idaho 83401.

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By exception to any claim water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Boise Falls, Idaho 83401.

Affidavit of Publication

RECEIVED

THE RIGBY STAR

APR 24 1981

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Jefferson

ss

I, Marie B. Nye, do solemnly swear that I am the Publisher of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Sixteenth day of April, 19 81

and the last publication on the

Twenty-Third day of April, 19 81

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Marie B. Nye
Publisher

Subscribed in my presence and sworn to before me this Twenty-third day of April, 19 81.
[SEAL]

Helene C. Nye
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19

Publication Fee: \$ 36.49

C. Stephen Allred
Director

Filed April 16 and 23,

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McLumick

Right Number 31 4063 Applicant USFS

NOTE: 31-4163
IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS
INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO
THE CLAIMANT ALONG WITH THE APPROPRIATE COVER
LETTER.

CHECK:

- ☒ Name and address.
 - ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
 - ☒ Source.
 - ☒ Quantity, use, period.
 - ☒ Point(s) of diversion.
 - ☒ Location of use.
 - ☒ Signature/notarization/fee.
- U-41 3/2 5/4

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date April 30, 1981

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Hansen Date 5/8/81

proofed
over
phone
4/13 kw

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

MARCH 2, 1981

U.S. DEPT. OF AGRI.
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
CODEN

UT 84401

RE: Claim No. 31-4062, 31-4063 and 31-4064

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

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

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

May 1, 1981

RE: Claim to a Water Right No. 31-4063

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

Gentlemen:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

RECEIVED
MAY 11 1981
FBI - OGDEN

May 1, 1981

RE: Claim to a Water Right No. 31-4063 US FOREST SERVICE

James F. Hagenbarth
P.O. Box 1101
Dillon, Montana 59725

Dear Mr. Hagenbarth:

We have received the exception dated April 28, 1981, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

MEMO

To: Files

From: Kay Walker *Kay*

RE: Publication of the Right

As per a telephone conversation with the editor of the Rigby Star it was discovered that the publication for this water right was not published as requested on February 6, 1981. The publication was resubmitted on April 9, 1981 to be published on April 16 & 23, 1981.

RECEIVED

U.S. DEPT. OF AGRI.

FOREST SERVICE, FEDERAL BLDG., 324 25TH ST., OGDEN, UT 84401

Source: PALMER SPRING tributary to SINKS

Priority Date: 06/01/1936

Amount: 0.02 CFS

Diversion Point: NWSE Sec 18 T 13N R 37E, CLARK Co.

Use: STOCKWATER (0.02 CFS) from 01/01 to 12/31

Place of Use: NWSE Sec 18 T 13N R 37E

Diversion Means: HEADBOX, PIPELINE & TROUGH.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

150 Shoup Ave.

~~-1515 Lincoln Road -~~
Idaho Falls, Idaho 83401
(208) 523-7186 -
525-7161

April 6, 1981

RE: Affidavits of Publication

Rigby Star
P.O. Box 37
Rigby, ID 83442

Gentlemen:

Attached herewith is a listing of all of the outstanding affidavits of publication we are waiting for. We cannot complete the processing of these water rights until the affidavits are included in the files. It would be greatly appreciated if you could mail these publications and the billing for each to this office at your earliest convenience.

If you have any questions or comments in this matter, please feel free to call me.

Sincerely,

KAY WALKER
Secretary

KW:k
Attachment

RECEIVED
APR 11 1981

March 5, 1981

RE: Application for Transfer No. 31-2322 U.S. FISH & WILDLIFE

Claim to a Water Right No. 31-4062 thru 31-4065

Application for Permit No. 31-7358, 34-7294, 34-7295

Rigby Star
P.O. Box 37
Rigby, Idaho 83442

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on February 12 and 19, 1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

RECEIVED

U.S. DEPT. OF AGRI.

FOREST SERVICE, FEDERAL BLDG., 324 25TH ST., OGDEN, UT 84401

Source: PALMER SPRING tributary to SINKS

Priority Date: 06/01/1936

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Diversion Means: HEADBOX, PIPELINE & TROUGH.

MICROFILMED