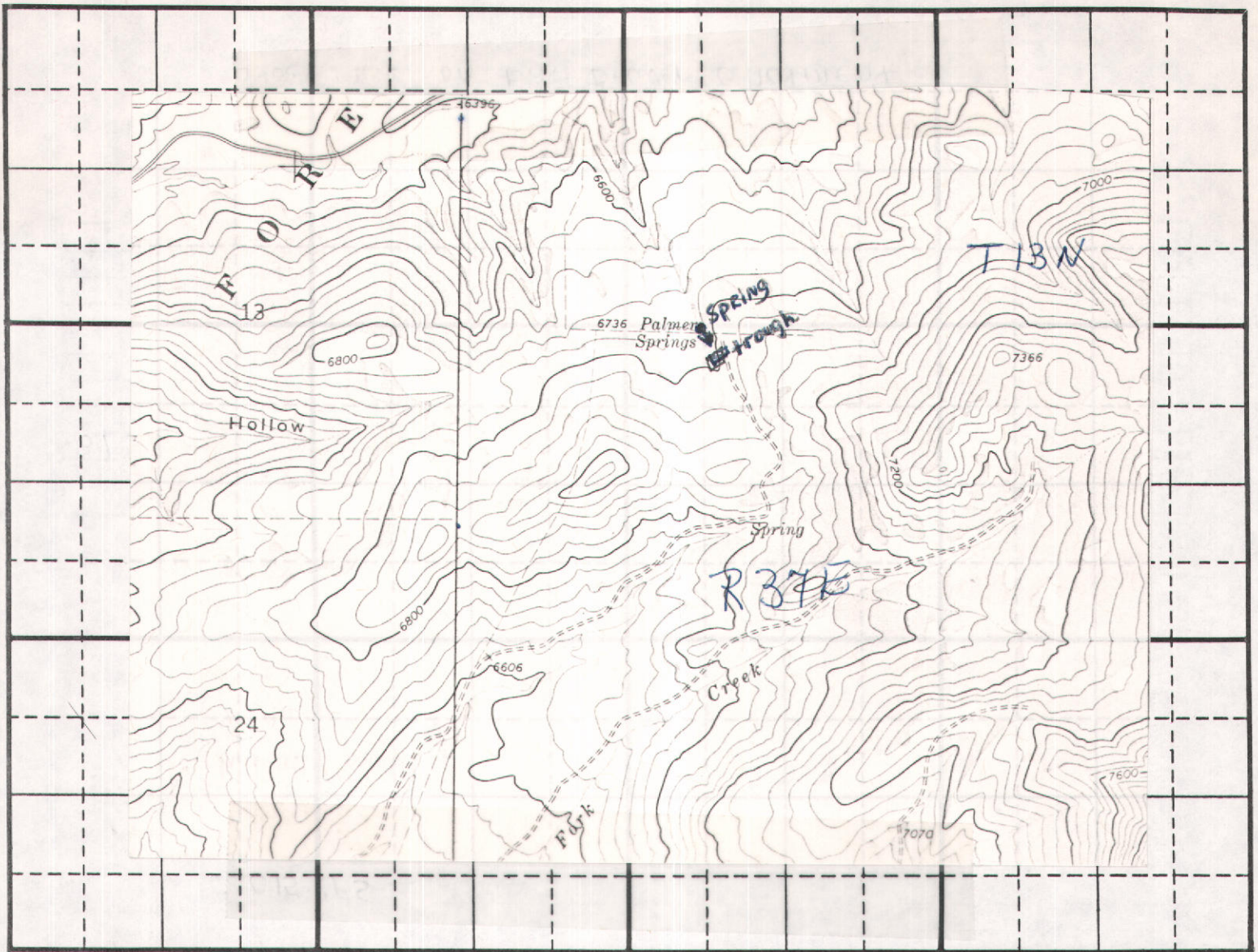


(8) Remarks _____



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.

Sworn to before me this

9th

day of

December

, 19

80

L. KENT MAYS, JR. (Claimant)

Deputy Regional Forester, Resources

Colleen Saxton

Notary Public

Residing at

Ogden, Utah

My commission expires

6/19/83

FOR DEPARTMENT USE ONLY

Received by

kw

Date

12/11/80

Exception filed by:

Forwarded to

Date

Prelim. check by

S.M.

Date

1/30/81 #17007

claimant by:

\$20.00 fee received by

150.00

Published in

Ripley Star

Dates

1/19/81

31-8073

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 United States of America-Forest Service
(Name of Claimant)
324 25th Street 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) June 1, 1938

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 Miners Creek

(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. 13 N Rge. 37 E B.M., County of Clark
Additional points of diversion: PW 26 map #20

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. Spring 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

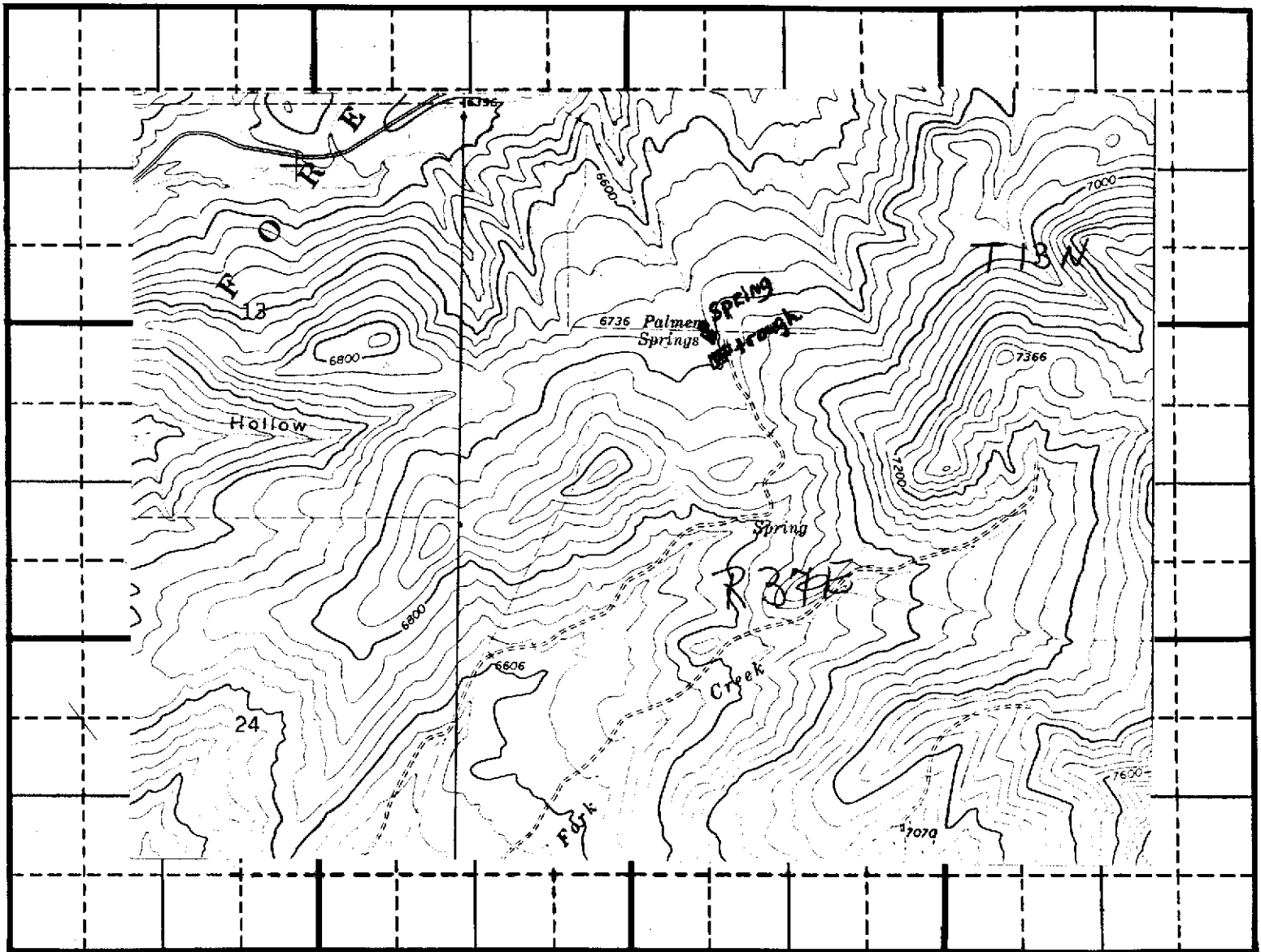
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Stock use on East Beaver allotment

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

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

(8) 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.

Sworn to before me this 9th day of December, 19 80 for L. KENT MAYS, JR. (Claimant) Deputy Regional Forester, Resources
Colleen Saxton
Notary Public
Residing at Ogden, Utah
My commission expires 6/19/83

FOR DEPARTMENT USE ONLY

Received by KW Date 12/11/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by S.M. Date _____ claimant by: _____
\$20.00 fee received by 750.60 Date 1/30/81 #17007
Published in Ripley Star _____
Dates 7/9/14/81 _____

**NOTICE OF CLAIMS
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:

31-4039

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

Source: Salt Creek Spring tributary to Sinks

Priority Date: 06/01/1941

Amount: 0.02 CFS

Diversion Point: NENE Sec 17 T 12N R 35E, Clark Co.

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

Place of Use: NENE Sec 17 T 12N R 35E

Diversion Means: Headbox, pipeline & trough.

31-4040

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

Source: Pass Creek Spring tributary to Pass Creek

Priority Date: 06/01/1941

Amount: 0.02 CFS

Diversion Point: SENW Sec 04 T 13N R 37E, Clark Co.

Use: Stockwater (0.02 CFS) from 06/01 to 10/31

Place of Use: SENW Sec 04 T 13N R 37E

Diversion Means: Headbox, pipeline & trough.

31-4041

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

Source: Pole Pond Spring tributary to Cottonwood Creek, West Fork

Priority Date: 05/01/1967

Amount: 0.02 CFS

Diversion Point: NESW Sec 10 T 12N R 35E, Clark Co.

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

Place of Use: NESW Sec 10 T 12N R 35E

Diversion Means: Reservoir.

31-4042

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

Source: Palmer Spring tributary to Miners Creek

Priority Date: 06/01/1938

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.

31-4043

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

Source: South Pass Spring tributary to Sinks

Priority Date: 06/01/1940

Amount: 0.02 CFS

Diversion Point: NWSW Sec 09 T 13N R 37E, Clark Co.

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

Place of Use: NWSW Sec 09 T 13N R 37E

Diversion Means: Headbox, pipeline & trough.

31-4044

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

Source: Aspen Park Spring tributary to Miners Creek

Priority Date: 06/01/1940

Amount: 0.02 CFS

Diversion Point: SESW Sec 32 T 14N R 37E, Clark Co.

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

Place of Use: SESW Sec 32 T 14N R 37E

Diversion Means: Headbox, pipeline & trough.

31-4045

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

Source: Beaver Creek Spring tributary to Beaver

Affidavit of Publication

THE RIGBY STAR

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

Eighth day of January, 19 81

and the last publication on the

Fifteenth day of January, 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 Fifteenth day of January, 19 81.
[SEAL]

Carolyn M. Taylor
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19

Publication Fee: \$ 162.77

IN THE MATTER OF:

USFS Water Use Right
filing #31-4042

AFFIDAVIT

Department of Water Resources
Eastern District Office

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 #31-4042 (As advertised in the Jefferson County Star, Volume 78, Issue 2 of Thursday, January 8, 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 #31-4042. 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 #31-4042 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 the place of use lies on private ground and to my knowledge 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 22nd day of Jan., 1981.

Robert J. Blake
(Notary Public)

Residing at Dillon, Montana.

My Commission Expires 12/6/83.

MICROFILM

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

Right Number 31 4042 Applicant U.S.F.S.

NOTE: 31-4042
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.
- 1/26

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Feb 24 1981

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By W. Hansen Date 2/26/81

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 28, 1981

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

UT 84401

RE: Claim No. 31-4042

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.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

MICROFILMED

January 30, 1981

RE: Claim to a Water Right No. 31-4042 and 31-4050
U.S. FOREST SERVICE

U. S. 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
JAN 31 1981
U.S. FOREST SERVICE

January 30, 1981

RE: Claim to a Water Right No. 31-4042 and 31-4050
U.S. FOREST SERVICE

James T. Hagenbarth
Hagenbarth Livestock
P.O. Box 1128
Dillon, MT 59725

Dear M. Hagenbarth:

We have received the exception dated January 22, 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.

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

31-4042

U.S. DEPT. OF AGRI.

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

Source: PALMER SPRING tributary to MINERS CREEK

Priority Date: 06/01/1938

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.

MICROFILMED