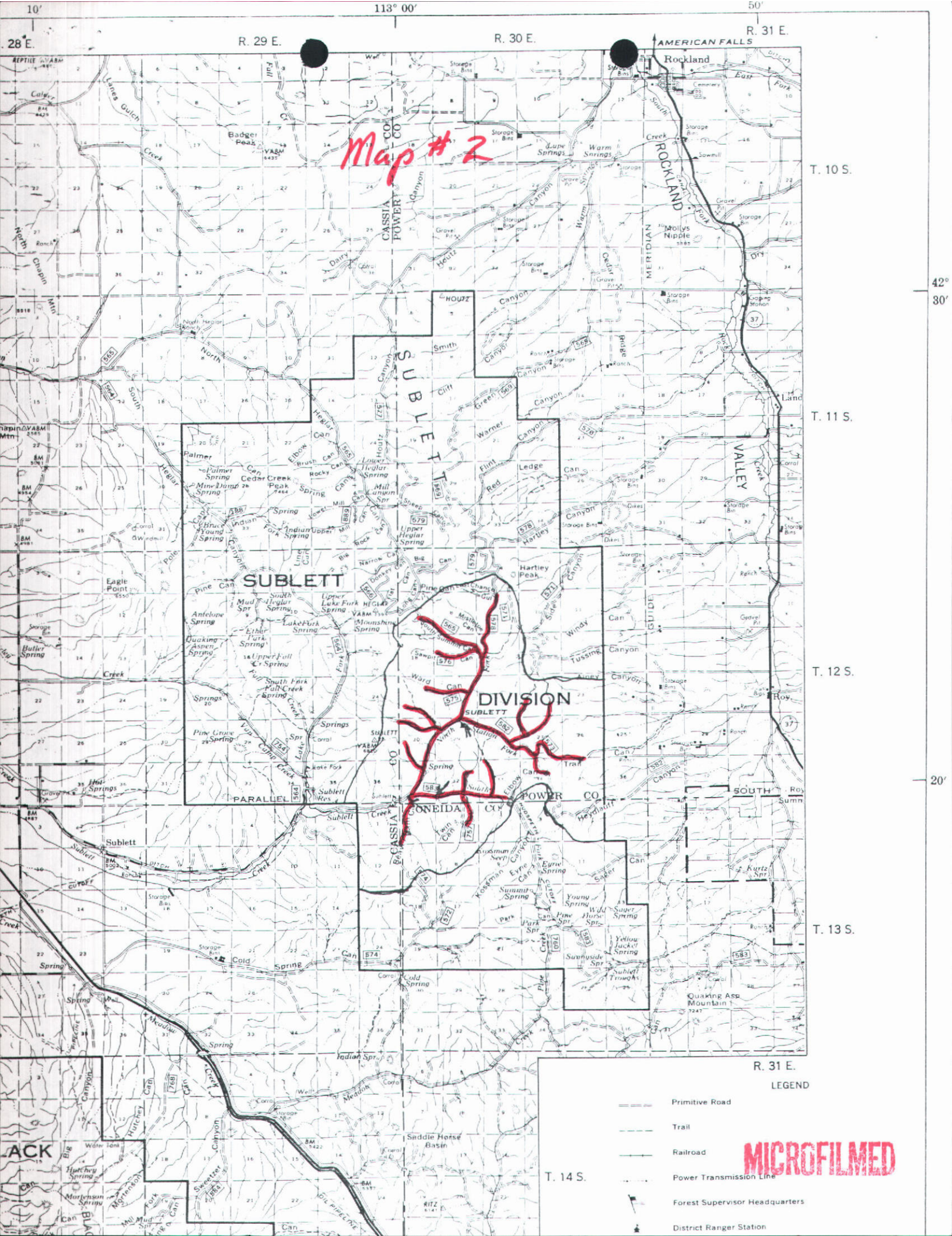




Map #2

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

July 22, 1986

Dee Rasmussen, President
Sublett Irrigation Company
Malta, ID 83342

RE: Claim 43-4099, U.S. Forest Service

Dear Mr. Rasmussen:

This letter is intended to offer an answer to your question about the amount of water which can be diverted under the claim.

The claim gives a diversion rate of .02 cfs (9 gallons per minute), but also describes a water system in which the water is pumped into trucks and hauled to watering troughs.

The waterusers under the claim were recently advised by the Department that an application for transfer was not required to change the method of distribution from trucking to a pump and pipeline system because there would be no change in point of diversion, place of use, or amount of water diverted.

Inspection of the claim indicates that the .02 cfs claimed is the equivalent continuous flow needed to produce the volume required for the number of stock watered, and not the rate at which water is pumped into the truck.

The claimant is entitled to divert water only when all rights with priority dates earlier than June 1, 1956 are being filled. This means that water may be diverted under the claim only if there is excess water after filling all the rights by the Sublett Reservoir Co.

While the diversion rate under the claim may be variable, the volume of water used is controlled by the extent of use. This volume may not be increased without filing an application for permit to establish a supplemental water right.

Very truly yours,

Loren O. Holmes

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:MB

cc: Jim Simpson
Sawtooth National Forest

43-4099

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

OCTOBER 27, 1980

FOREST SERVICE U.S. DEPT. OF AGRI.

FEDERAL BLDG.
324 25TH ST.
OGDEN

UT 84401

RE: Claim No. 43-4099

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,

LOREN O. HOLMES
Southern Region Supervisor

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

RECEIVED
SEP 29 1980
Department of Water Resources
Southern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public water 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)

Federal Office Building, Ogden, Utah 84401 Telephone No. 801-626-3011
(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, 1956

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)
see remarks tributary to Sublett 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>0.02 cfs</u>	Use	<u>livestock</u>	Period of Use From <u>June 1</u>	To <u>Sept 30</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) 0.02 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 SW 1/4, Sec. 31 Twp. 12 S Rge. 30 E B.M., County of Power
Additional points of diversion: SE 1/4 SW 1/4 Sec 31 T 12 S BM Power
NW 1/4 NE 1/4 Sec 29 T 12 S R 30 E BM Power

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. Water is pumped from the creek at one of the four locations indicated on Map #1 and hauled to several troughs located along the roadway indicated on Map #2.

(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. Points of use are several troughs located along the roadway indicated on Map #2.

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	

No. of acres _____

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

MICROFILMED

NOTE: Include here the type and number of stock watered: 485 cattle

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

(8) Remarks from #2. South Fork Sublett Creek, North Fork Sublett Creek, South Fork
Springs, and Station Fork.

[illegible]

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 18 day of September, 1980.
(for) Deputy Regional (Claimant) Forester, Resources

Notary Public
Residing at Ogden, Utah

My commission expires 6/19/83

FOR DEPARTMENT USE ONLY

Received by Mary Jo Date 9/23/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date 9-23-80 claimant by: _____
\$20.00 fee received by Cheryl Date 11/5/80 #16661
Published in Parley Co. Press _____
Dates 10/8/80 + 10/15/80 _____

GEOLOGICAL SURVEY

113°00'
2°22'30"

136°00'00"E

137

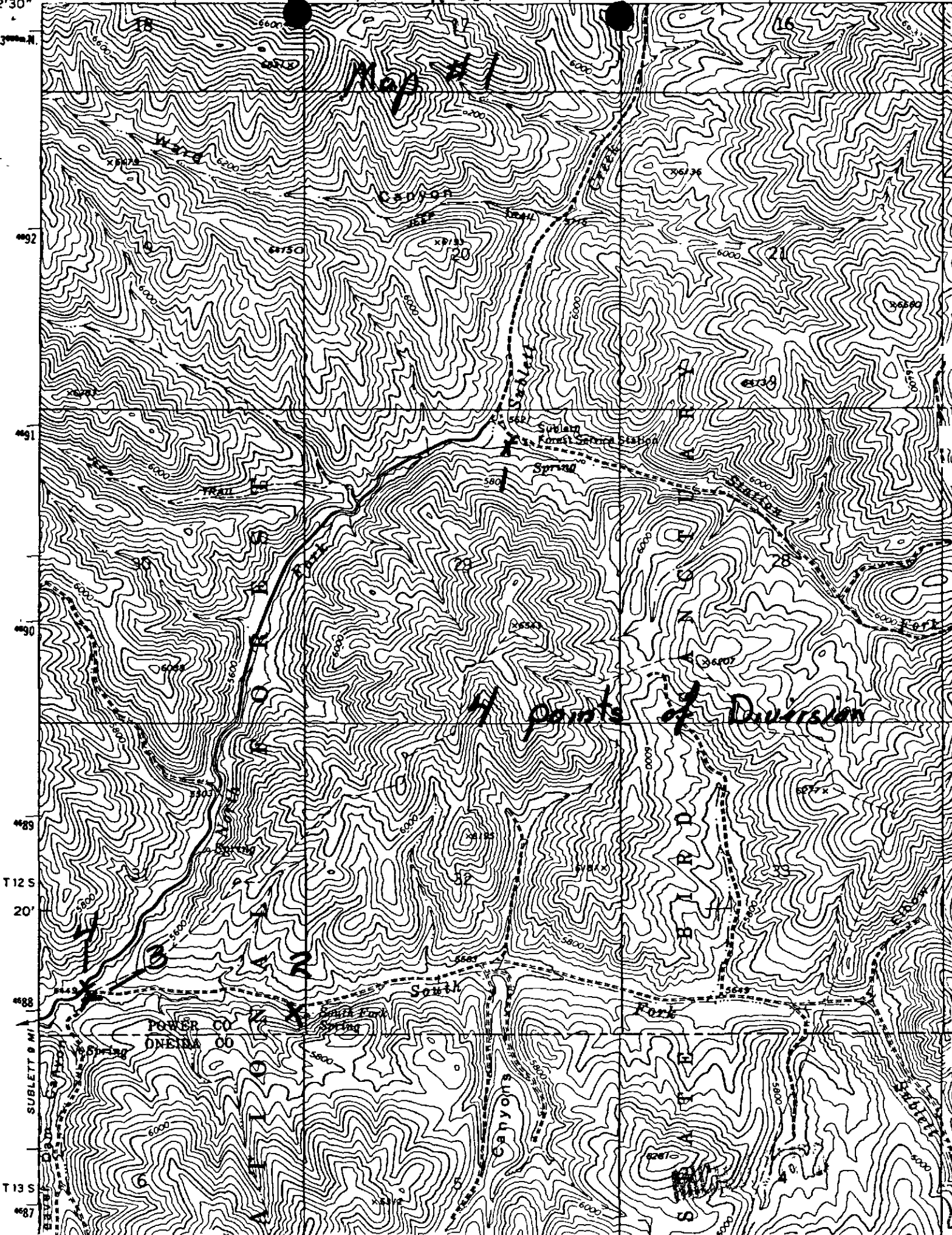
R 30 E

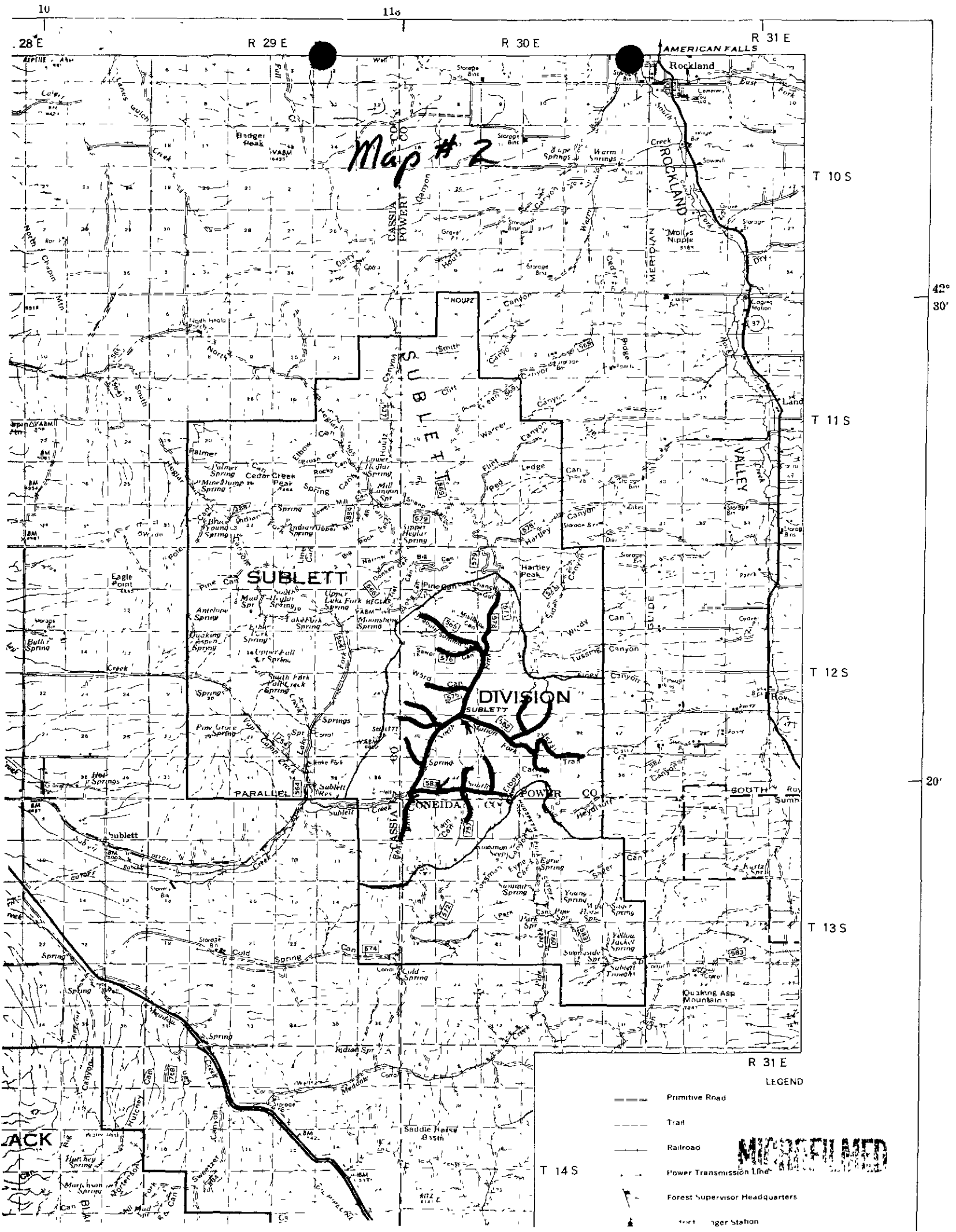
138

57°30'

139

Map #1





UNITED STATES DEPARTMENT OF AGRICULTURE

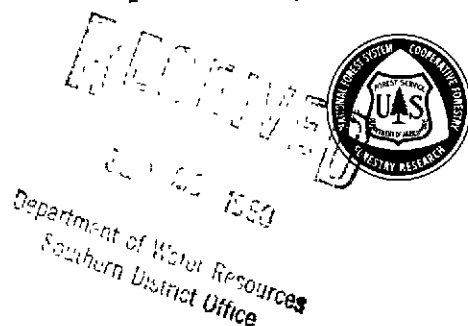
FOREST SERVICE

324 25th Street
Ogden, Utah 84401

2540

September 18, 1980

Mr. Loren O. Holmes
Southern Region Supervisor
Idaho Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301



Dear Mr. Holmes:

During July 1980 a protest was filed against the issuance of our Application for Permit No. 43-7159. A meeting with the protestant has resolved the protest to the satisfaction of all concerned. At this time, we would like you to withdraw our Application for Permit No. 43-7159.

In place of the permit, we are submitting a Claim to a Water Right and a voucher for \$30 to cover filing fees. So that we may obligate this fiscal year funds, a prompt return of the signed voucher would be greatly appreciated.

Thank you for your assistance.

Sincerely,

ADRIAN E. DALTON
(for) Deputy Regional Forester
Resources

Enclosures

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER }

s.s.

.....Brett Crompton..... being first duly sworn

on oath, states:

That he.... is the Editor/Manager.....
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
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 the annexed notice or advertisement was published as
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 publica-

tion being the ⁸..... day of^{Oct}....., 19⁸⁰

the date of last publication being the

.....¹⁵..... day of^{Oct}....., 19⁸⁰

(Signed) Brett Crompton

Subscribed and sworn to before me this

.....¹⁵..... day of^{Oct}....., 19⁸⁰

Loris Foster
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

.....^{1st}..... day of April, 19⁸¹

ob mayer

Legal notice

Published in the Power County
Press Oct. 8, 1980 and Oct. 15,
1980.

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

43-4099

U.S. DEPT. OF AGR., FOREST
SERVICE

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

Source: SUBLETT CREEK,
SOUTH FORK tributary to
SUBLETT CREEK

SUBLETT CREEK, NORTH
FORK tributary to SUBLETT
CREEK

SOUTH FORK SPRINGS tributary
to SUBLETT CREEK

STATION FORK tributary to
SUBLETT CREEK

Priority Date: 06/01/1956

Amount: 0.02 CFS

Diversion Point: SESW SESE Sec
31 T 12S R 30E

NWNE Sec 29 T 12S R 30E,
POWER Co.

Use: STOCKWATER (0.02 CFS)
from 06/01 to 09/30

Sec 20 T 12S R 30E Sec 21 T 12S R
30E Sec 22 T 12S R 30E

Sec 26 T 12S R 30E Sec 27 T 12S R
30E Sec 28 T 12S R 30E

Sec 29 T 12S R 30E Sec 30 T 12S R
30E Sec 31 T 12S R 30E

Sec 32 T 12S R 30E Sec 33 T 12S R
30E Sec 05 T 13S R 30E

Sec 06 T 13S R 30E

Diversion Means: PUMP AND
TROUGHS

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department
of Water Resources, 1041 Blue
Lakes Blvd. North, Twin Falls,
Idaho 83301.

C. STEPHEN ALLRED
Director

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Secretary

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

July 1, 1986

Lyle Adams
Sublett Cattle Allotment
HC 61, Box 1116
Malta, ID 83342

RF: 43-4099

Dear Mr. Adams:

Based on our conversation of this day regarding the change in the means of conveyance of your water use presently recorded by Claim to Water Right 43-4099 in the name of the Forest Service; it is our determination that no transfer will be required to change the means of conveyance from truck to pipeline as long as the point of diversion and place of use is not changed and essentially the same number of cattle will be watered as originally covered by the original filing.

Under these conditions, we do not believe anyone will be injured by this change and Section 42-222 regarding water right transfers does not pertain.

If you have any questions, please contact this office.

Yours very truly,

Allen D. Merritt, P.E.
Water Resource Engineer

AM:MB

cc: Doug Reid
Sawtooth National Forest
Burley Ranger District

WATER RIGHT NUMBER 43-4099

OWNER LAST NAME - U.S. DEPT. OF AGRI.

FIRST NAME - FOREST SERVICE

ORIG OWNER -

ADDRESS LINE 1 - FEDERAL BLDG.

ADDRESS LINE 2 - 324 25TH ST.

ADDRESS LINE 3 -

CITY - UGDFW

STATE - UT ZIP CODE - 84401

SOURCE - SUBLETT CREEK, SOUTH FORK

TRIBUTARY OF - SUBLETT CREEK

SOURCE - SUBLETT CREEK, NORTH FORK

TRIBUTARY OF - SUBLETT CREEK

SOURCE - SOUTH FORK SPRINGS

TRIBUTARY OF - SUBLETT CREEK

SOURCE - STATION FORK

TRIBUTARY OF - SUBLETT CREEK

STAGE - STAIRY CLM

STATUS -

PRIORITY - 06-01-1956 COUNTY - POWER

TOTAL DIV. RATE -

.0200 -CFS

TOTAL DIV. VOLUME -

.00 AFA IRR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SESW 31 12S 30E LOT

REDIV -

SESE 31 12S 30E LOT

REDIV -

NWNE 29 12S 30E LOT

REDIV -

FROM - 06-01 TO - 09-30 USE - STOCKWATER

USE DIV. RATE -

.0200 CFS

USE DIV. VOLUME -

.00 AFA

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 07

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 08

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 09

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 16

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 17

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 19

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 20

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 21

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 22

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 26

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 27

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 28

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 29

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 30

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 31

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 32

USE - STOCKWATER

PLACE OF USE - TWN 12S RNG 30E SEC 33

USE - IRRIGATION

PLACE OF USE - TWN 13S RNG 30E SEC 05

USE - STOCKWATER

PLACE OF USE - TWN 13S RNG 30E SEC 06

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS - P/U INCOMPLETE. SEE FILE

NON IRRIG USE - S/485 RANGE

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - PUMP AND TROUGHS

IDENT. NO.

WATER RIGHT
DATA ENTRY LOG

[illegible]

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J. C. State

Right Number 43-4099 Applicant USA Forest Service

NOTE: 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.

FINAL REGIONAL PROCESSING REVIEW:

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

By Loren D. Palma Date 11-28-80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maureen Date 12/4/80

NOTICE OF CLAIMS TO WATER RIGHTS

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

43-4099

U.S. DEPT. OF AGR., FOREST SERVICE

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

Source: SUBLETT CREEK, SOUTH FORK tributary to SUBLETT CREEK
SUBLETT CREEK, NORTH FORK tributary to SUBLETT CREEK
SOUTH FORK SPRINGS tributary to SUBLETT CREEK
STATION FORK tributary to SUBLETT CREEK

Priority Date: 06/01/1956

Amount: 0.02 CFS

Diversion Point: SESW SESE Sec 11 T 12S R 30E
NWNE Sec 29 T 12S R 30E, POWER Co.

Use: STOCKWATER (0.02 CFS) from 06/01 to 09/30

Place of Use: Sec 07 T 12S R 30E Sec 08 T 12S R 30E Sec 09 T 12S R 30E
Sec 16 T 12S R 30E Sec 17 T 12S R 30E Sec 19 T 12S R 30E
Sec 20 T 12S R 30E Sec 21 T 12S R 30E Sec 22 T 12S R 30E
Sec 26 T 12S R 30E Sec 27 T 12S R 30E Sec 28 T 12S R 30E
Sec 29 T 12S R 30E Sec 30 T 12S R 30E Sec 31 T 12S R 30E
Sec 32 T 12S R 30E Sec 33 T 12S R 30E Sec 05 T 13S R 30E
Sec 06 T 13S R 30E

Diversion Means: PUMP AND TROUGHS

Any exception to any claim of water right may be filed with
the Director of the Idaho Department of Water Resources, 1041 Blue
Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 10/8 & 10/15.

20-11-1956

Published in the Power County
Press Oct 8, 1980 and Oct 15,
1980

**NOTICE OF CLAIMS
TO WATER RIGHTS**

Notice is hereby given that the
following claim(s) to water right(s)
have been established by diversion
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43-4099

**U.S. DEPT OF AGRI, FOREST
SERVICE
FEDERAL BLDG., 324 25TH ST.,
OGDEN, UT 84401**

**Source: SUBLETT CREEK,
SOUTH FORK tributary to
SUBLETT CREEK
SUBLETT CREEK, NORTH
FORK tributary to SUBLETT
CREEK**

**SOUTH FORK SPRINGS tributary
to SUBLETT CREEK**

**STATION FORK tributary to
SUBLETT CREEK**

Priority Date 06/01/1956

Amount 0.02 CFS

Diversion Point S1 SW S1 SE Sec
31 T 12S R 30E

NW 1/4 Sec 29 T 12S R 30E,
POWER CO

Use: STOCKWATER (0.02 CFS)
from 06/01 to 09/30

Place of Use Sec 07 T 12S R 30E
Sec 08 T 12S R 30E Sec 09 T 12S R
30E

Sec 16 T 12S R 30E Sec 17 T 12S R
30E Sec 19 T 12S R 30E

Sec 20 T 12S R 30E Sec 21 T 12S R
30E Sec 22 T 12S R 30E

Sec 26 T 12S R 30E Sec 27 T 12S R
30E Sec 28 T 12S R 30E

Sec 29 T 12S R 30E Sec 30 T 12S R
30E Sec 31 T 12S R 30E

Sec 32 T 12S R 30E Sec 33 T 12S R
30E Sec 05 T 13S R 30E

Sec 06 T 13S R 30E

**Diversion Means: PUMP, AND
TROUGHS**

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department
of Water Resources, 1041 Blue
Lakes Blvd North, Twin Falls,
Idaho 83301

STEPHEN ALLRED
Director

*filed
murepa
9/20/80*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

SEPTEMBER 25, 1980

Power County Press
174 Idaho Street
American Falls, ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before OCTOBER 27, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILM