

Identification No. 11-4009

Claim No. 42150

Map No. \_\_\_\_\_

**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 Street, Ogden, Utah 84401

2. The point of diversion is in NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  Section 26 Township 15 S.

Range 42 E. B.M. located on Porcupine Canyon Spring  
(name of source)

tributary to St. Charles Creek in Bear Lake 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:

1870 amount: 0.003 c.f.s. or 1.4 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 stockwatering period of use from 5/1 to 10/31 (both dates inclusive)

use domestic period of use from 5/1 to 10/31 (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 Spring headbox,

galvanized pipe supply line; 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 \_\_\_\_\_; depth of well is \_\_\_\_\_

feet; diameter of well is \_\_\_\_\_ inches; type of pump is \_\_\_\_\_

capacity of pump is \_\_\_\_\_ g.p.m.; name and address of well driller is \_\_\_\_\_

\_\_\_\_\_

11-4009

\_\_\_\_\_, if so, give dates and explain \_\_\_\_\_

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if feeder canal is used give maximum carrying capacity\_\_\_\_\_c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions\_\_\_\_\_

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

[illegible]

Total number of acres to be irrigated \_\_\_\_\_

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

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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 Approximately  
100 cattle during pioneer period.

7. Where water is used for domestic or municipal purposes give number of families served about 100 people  
name of town supplied Porcupine Campground

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  
Before 1960 campground users dipped water from the stream. In 1960 the water system was constructed. In 1967 a 4-unit flush toilet was constructed at the campground.

The claimant also asserts a right to the water for the purpose described herein by reason of the President's Proclamation of May 23, 1906 setting aside the land described herein for national forest purposes.

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.

October 13, 1967  
(Date)

FLOYD IVERSON, Regional Forester

By [Signature]  
(Signature of Claimant) Acting Regional Forester

State of ~~Idaho~~ Utah } ss.  
County of Weber

On this 13th day of October 19 67, 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 9/8/68

For Department Use Only

|                                                                             |                           |                                 |            |
|-----------------------------------------------------------------------------|---------------------------|---------------------------------|------------|
| Received by <u>[Signature]</u> Date <u>10-16-67</u>                         | Exception filed by: _____ | Forwarded to claimant by: _____ | Date _____ |
| Prelim. check by <u>[Signature]</u> Date <u>10-27-67</u>                    | _____                     | _____                           | _____      |
| Fee received by <u>[Signature]</u> Date <u>11-27-67</u> Fee \$ <u>10.00</u> | _____                     | _____                           | _____      |
| Approved for publication by <u>KS 12-14-67</u>                              | _____                     | _____                           | _____      |
| Published in <u>News Examiner</u> Dates <u>12-28-67</u><br><u>1-4-68</u>    | _____                     | _____                           | _____      |

Rec'd #157 in App #42147

11-4009

# THE NEWS-EXAMINER

MONTPELIER, IDAHO

RECEIVED

JAN 18

Department of Reclamation

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, )  
County of Bear Lake, ) ss.

W. Jerome Taylor

being first duly sworn, deposes and says  
he is Publisher and Foreman of the  
News-Examiner; that the said News-Examiner  
is a weekly newspaper published at Montpelier,  
County of Bear Lake, State of Idaho, of general  
circulation in said County and State.

That the notice attached was published in  
the said News-Examiner, and not in a  
supplement, for two  
successive weeks, commencing with the issue  
dated December 28, 1967  
and ending with the issue  
dated January 4, 1968

*W. Jerome Taylor*  
Publisher and Foreman.

Subscribed and sworn to before me this 17th day of January, 1968

*Tom L. Buzyn*  
Notary Public.

### NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4009

Notice is hereby given that the  
United States of America—Forest  
Service, 324 25th Street, Ogden,  
Utah, has filed a claim to a water  
right established by diversion and  
application to beneficial use of  
0.003 cubic feet per second or 1.4  
acre feet of water from Porcupine  
Canyon Spring, tributary of St.  
Charles Creek with point of diver-  
sion in the NE 1/4 NW 1/4, sec 26, T.  
15 S, R. 42 E, B.M., Bear Lake  
County; the water is claimed to be  
used for stock water and domes-  
tic purposes from May 1, to Octo-  
ber 31 with a priority of 1970 for  
0.003 cubic feet per second or 1.4  
acre feet; the place of use is the  
Porcupine Campground.

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 Montpelier  
News-Examiner, Montpelier, Idaho,  
on December 28, 1967, and January  
4, 1968.

11-4009

# THE NEWS-EXAMINER

MONTPELIER, IDAHO

Advertising & Commercial Printers

Statement: Account of ~~Department of Reclamation~~  
State of Idaho

Date

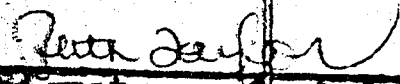
Jan., 1968

Dec.  
28

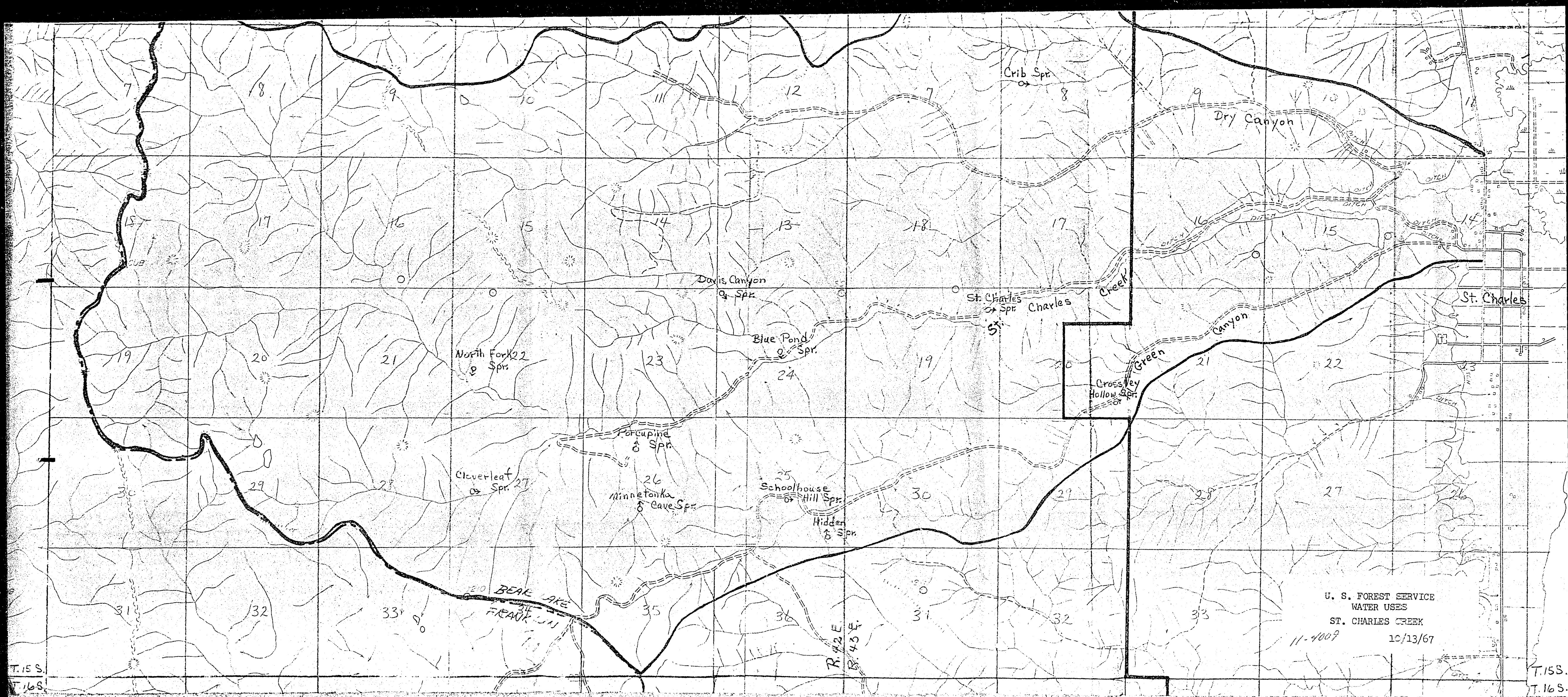
228 Line Notice Claims  
11-4007, 11-4008, 11-4009,  
11-4010, 11-4011, 11-4012,  
and 11-4013 - 2 Issues

\$52.52

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

11-4009



U. S. FOREST SERVICE  
WATER USES  
ST. CHARLES CREEK

11-4009

10/13/67

T. 15 S.  
T. 16 S.

T. 15 S.  
T. 16 S.

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
107 STATE HOUSE  
BOISE, IDAHO 83701

January 18, 1968

Re: Claim No. 11-4013, 11-4012, 11-4011, 11-4010, 11-4009,  
11-4008, and 11-4007

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

Gentlemen:

Your claims to water rights have been received and processed by the Department of Reclamation. The information in your claims have been filed in the above referenced claim folders.

Enclosed is your receipt No. 187 in the amount of \$70.00 for the filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney  
Water Rights Clerk

DWM:ks

Enclosure: Receipt No. 187

11-4009

January 15, 1968

Re: Claim No. 11-4007, 11-4008, 11-4009, 11-4010, 11-4011, 11-4012,  
and 11-4013

The News Examiner  
Montpelier, Idaho

Gentlemen:

Returned herewith is the affidavit of publication for the  
above referenced claims. Please be advised that we will accept  
the bill in the form of a total of all the claims advertised, but  
we would appreciate, if possible, an individual affidavit for  
each claim. This is necessary since we must have an original copy  
of the affidavit for each file. We appreciate your help in this  
matter.

Very truly yours,

Donald W. Holldowney  
Water Rights Clerk

DWH:ks

Enclosure: Original affidavit

11-4009

**NOTICE OF CLAIM TO A  
WATER RIGHT**

**No. 11-4009**

Notice is hereby given that the United States of America Forest Service, 324-25th Street, Ogden, Utah, has filed a claim to a water right established by diversion and application to beneficial use of 0.003 cubic feet per second or 1.4 acre feet of water from Porcupine Canyon Spring, tributary of St. Charles Creek with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , sec. 26, T. 15 S, R. 42 E, B.M., Bear Lake County; the water is claimed to be used for stock water and domestic purposes from May 1, to October 31 with a priority of 1870 for 0.003 cubic feet per second or 1.4 acre feet; the place of use is the Porcupine Campground.

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 Montpelier News-Examiner, Montpelier, Idaho, on December 28, 1967, and January 4, 1968.

11-4009

Dec. 12-26-67

December 14, 1967

Re: Claim No. 11-4007, 11-4008, 11-4009, 11-4010, 11-4001, 11-4012,  
and 11-4013

Montpelier News-Examiner  
Montpelier,  
Idaho 83254

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 can not 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.

(Do not sign letter)

\_\_\_\_\_  
Signature of claimant

Very truly yours,

Donald W. McElDowney  
Water Rights Clerk

DWMrks

Enclosures: Copies of legal notices (7)

Form 3

11-4009

NOTICE OF CLAIM TO A WATER RIGHT  
No. 11-4009

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R. KEITH HIGGINSON  
State Reclamation Engineer

Published in the Montpelier News-Examiner, Montpelier, Idaho on December 28, 1967 and January 4, 1968.

11-4009

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

INTERMOUNTAIN REGION

FEDERAL OFFICE BUILDING  
324 25TH STREET  
OGDEN UTAH 84401

IN REPLY REFER TO

2540

October 13, 1967

Mr. R. Keith Higginson  
State Reclamation Engineer  
Department of Reclamation  
107 State House  
Boise, Idaho 83701

Dear Mr. Higginson:

Reference is made to your request for our uses of water in the St. Charles Creek drainage.

We are enclosing "Claim to a Water Right" forms for the seven water sources we are using in St. Charles Creek. A 2-inch scale map shows the location of the springs.

A voucher is also enclosed to facilitate payment of the agreed costs.

Sincerely yours,

FLOYD IVERSON  
Regional Forester

By

*S. A. Cusick*

Enclosures



11-4009