

Identification No. 11-4010
Claim No. 42149
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 SW $\frac{1}{4}$ Section 26 Township 15 S.
Range 42 E. B.M. located on Minnetonka Cave 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: 0.001 c.f.s. or 0.5 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 a concrete box over the spring; length is _____ feet; height is _____ feet; width at bottom is _____ feet; with 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 _____
_____;

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Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. This water system to Minnetonka Cave parking lot was constructed in about 1935.

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_____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

[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 Approximately
100 cattle in pioneer period.

7. Where water is used for domestic or municipal purposes give number of families served about 5500 per year
name of town supplied National Forest Recreation Area

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 The Minnetonka Cave Spring is on National Forest land.
It was used by livestock as far back as 1870. It was also used by early resource
users, livestock men, timber cutters, etc., since pioneer settlement.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

The claimant also asserts a right to the water for the purpose described herein by reason of the
President's Proclamation of May 28, 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)

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

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

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 [Signature] Date 10-16-67

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by DWR Date 10-27-67

Fee received by [Signature] Date 11-27-67 Fee \$ 10.00

Approved for publication by KS 12-14-67

Published in News Examiner Dates 12-28-67
1-4-68

rec'd #187 in app # 42147

11-4010

THE NEWS-EXAMINER

MONTPELIER, IDAHO

RECEIVED

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

Don L. Buzgama
Notary Public.

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4010

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 0.001
cubic feet per second or .05 acre
feet of water from Minnetonka Cave
Spring, tributary of St. Charles
Creek, with point of diversion
in NE 1/4 SW 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 0.001 c.f.s. or
0.5 acre feet; the place of use in
Minnetonka Cave, a National Forest
Recreation Area.

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.

11-4010

THE NEWS+EXAMINER

MONTPELIER, IDAHO

Advertising & Commercial Printers

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

Date

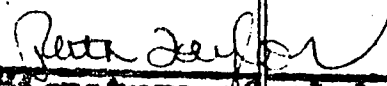
Jan., 1968

Dec.
28

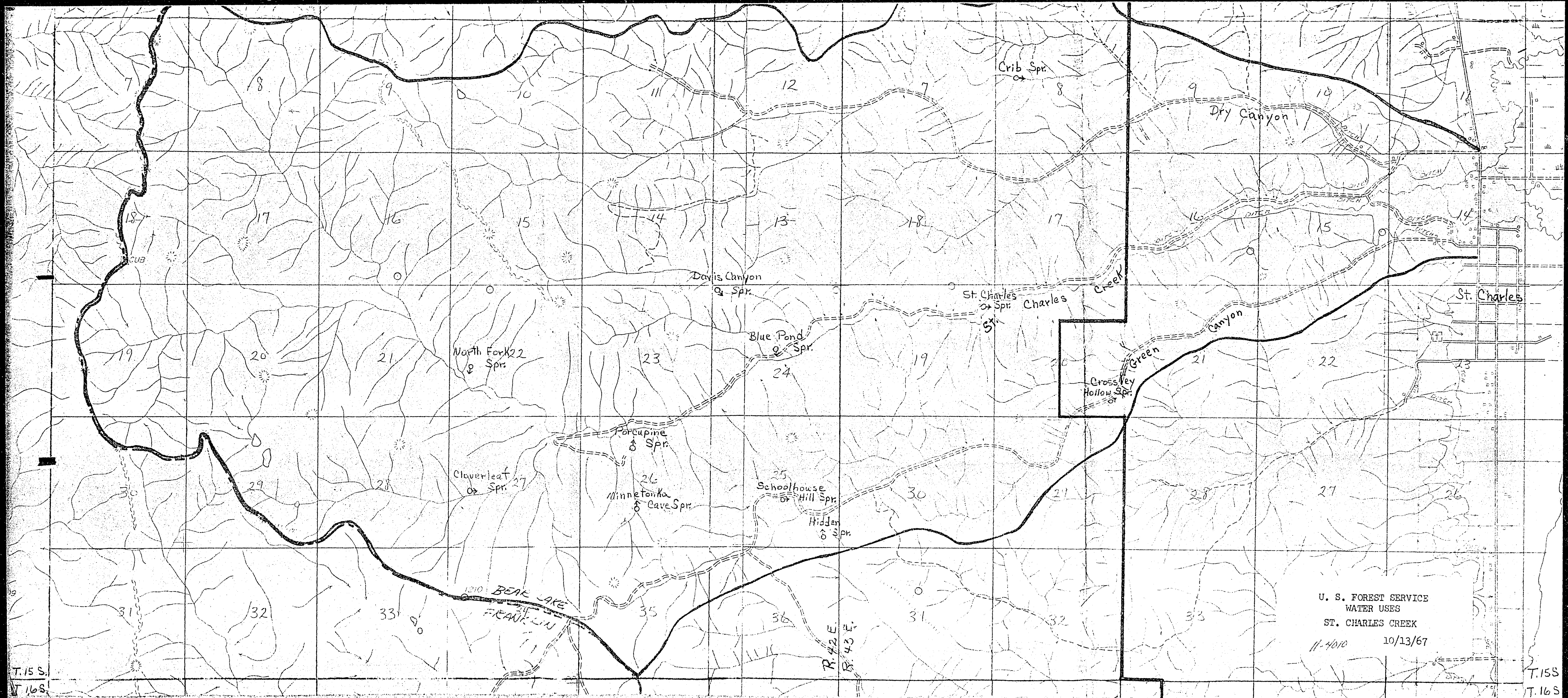
228 Line Notice Claims
11-4007, 11-4008, 11-4009,
11-4010, 11-4011, 11-4012,
and 11-4013 - 2 Issues

\$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

11-4010



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

11-4010

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. McElldowney
Patent Rights Clerk

DWM:ks

Enclosure: Original affidavit

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1

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 11-4319

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 0.001 cubic feet per second or 0.3 acre feet of water from Minnetonka Cave Spring, tributary of ~~E. Charles~~ Creek, with point of diversion in NE 1/4 SW 1/4, sec 26, T. 12 N., R. 48 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 0.001 c.f.s. or 0.3 acre feet; the place of use in Minnetonka Cave, a National Forest Recreation Area.

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.

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Sec 122667

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. McElDownoy
Water Rights Clerk

DWN:ks

Enclosures: Copies of legal notices (7)

Form 3

11-4010

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4010

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 0.001 cubic feet per second or 0.5
acre feet Minnetonka Cave Spring, tributary of St. Charles Creek
(~~0.001 c.f.s.~~) of water from _____ with point of diversion
in NELSWA, sec. 26, T. 15S, 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 0.001 c.f.s. / or 0.5 acre feet; the place of use is Minnetonka Cave, a National
Forest Recreation Area

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.

11-4010

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
INTERMOUNTAIN REGION

FEDERAL OFFICE BUILDING
324 25TH STREET
OGDEN, UTAH 84401

IN REPLY REFER TO

2540

November 22, 1967

RECEIVED
NOV 27 1967

Department of Reclamation

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

Dear Mr. Higginson:

Reference is made to Mr. Allred's letter of November 15, 1967,
concerning our water use claims in the St. Charles Creek Basin.

The information requested is as follows:

1. No works of improvement have been installed at the spring located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T. 15 S., R. 42 E., B.M. (There is sufficient water for the livestock without development.)
2. The spring below Minnetonka Cave in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T. 15 S., R. 42 E., B.M., was developed in 1938.
3. Schoolhouse Spring and Crossley Hollow Spring were developed in 1930, and Hidden Spring was developed in 1966.

We hope this data will assist Mr. Allred in handling the claims.

Sincerely yours,

FLOYD IVERSON
Regional Forester

By

S. A. Quiskell



11-4010

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

[Signature]

Enclosures



11-4010

