

RECEIVED

APR 7 1989

Department of Reclamation

Identification No. _____

Claim No. 11-4023

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 Dennis M. Carlsen

post office address Box 341, Providence, Utah

2. The point of diversion is in NW SE 29 12
43 E SW SE 29 12 South
Range 43 E B.M. located on Un-named springs

(Liberty Creek)

(name of source)

tributary to Un-named creek in North Canyon 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:

Prior to Dec. 1, 1886

amount: 1.5 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

Total claimed 1.5 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 crop IRR period of use from April 15 to Oct. 1 (both dates inclusive)

use culinary period of use from Jan 1 to Dec 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 wood and steel
and earth fill dam; length is 8 feet; height is 5 feet;

width at bottom is 5 feet; width at top is 10 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known An equalizing reservoir was built prior to 1904 and used continuously since. The capacity is approximately 1/2 acre foot.

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 _____

11-4023

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 1320 feet; width of ditch at top is 7 feet; width of bottom of ditch is 2.5 feet; depth of water is 0.3 feet; grade of ditch per 1000 feet is 1 1/2 feet; material through which ditch passes is sod and gravel; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. same as original

d. If water is stored: name of reservoir No name;
total capacity of reservoir is 0.5 acre feet; active capacity of reservoir is 0.5 acre feet;
year construction commenced prior to 1886 completed prior to 1886 first used prior to 1886
period of storage is from Jan 1 to Dec 31; is reservoir drained each year No;
is reservoir on or off stream on explain This is a natural reservoir area for bringing
water out to the irrigated land.

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 The equalizing reservoir is at the lower end of a series of springs commencing 1/4 mile above dam.

has there been any enlargement of the reservoir since it was first built no, if so, give dates and describe The reservoir is in a natural low spot and collect the water from the springs above it.

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 120

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
The area irrigated has remained the same since the water was first used.

b. Do you get water through a ditch owned by several users? No. 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 _____
400 head cows and calves, 12 horses.

7. Where water is used for domestic or municipal purposes give number of families served 2
name of town supplied no town

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 Expansional use of the water is expected so as to better utilize it on the acreage mentioned above.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This water was tied in on the Declaration of Homestead, December 1, 1886 and April 25, 1904, at completion of the homestead all water rights were tied in with the property. Use of the water on this property has been continuous.

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.

Mar 31, 1969
(Date)

Quinn T. Carlson
(Signature of Claimant)

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

On this 31st day of March 19 69, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Margaret C. Hickman
Notary Public residing at Logan, Utah.

My commission expires 12 January 1971.

For Department Use Only

Received by *DMC* Date 4-7-69

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by *DMC* Date 4-7-69

Fee received by: *ep* Date 4-8-69 Fee \$ 10.⁰⁰

Approved for publication by *ep* 4-14-69

Published in *4/16 Examiner* Dates 4-17-69
4-24-69

Davidson Co

E. L. Davidson

DMC

ep

5-26-69

6-19-69

11-4023

Stylish Fabrics Corporation of Utah

138 NORTH MAIN
LOGAN, UTAH 84321

752-4186

DENNIS M. CARLSEN
PRESIDENT-MANAGER

RECEIVED
APR 7 1969

Department of Reclamation

RECEIVED
APR 9 1969

Department of Reclamation

Keith Higginson
State Reclamation Engineer
State Capitol Building
Boise, Idaho

Dear Keith,

It has taken me some time to finish this, but please find enclosed the papers for filing on some water. Would you check it over & if it needs any additional information let me know.

Thought we would get to conference so that we could see some of the Elders but just couldn't shake loose. Did you make it? Hope to see you some time if you make it down. Thanks for everything.

Best Regards
Dennis

11-4023

RECEIVED

Ovid, Idaho
June 6, 1969

JUN 10 1969

Department of Reclamation

Keith R. Higginson
State Reclamation Engineer
Statehouse
Boise, Idaho
Dear Mr. Higginson:

The following is a correction to the exception to a water right Claim No. 114023 by Dennis Carlson. This is an amended claim to the one made by Farrell W. Nielson General Watermaster of Ovid Irrigation Co. and East Liberty Irrigation Co.

The East Liberty Irrigation Co. wasn't represented on the original exception and should have been. We have Mr. Nielson's permission to remove his exception from your files and replace it with this one.

President of East Liberty Irrigation Co.

Wayne J. Matthews

President of Ovid Irrigation Co.

Kendall Larsen

ACKNOWLEDGEMENT

STATE OF IDAHO)
COUNTY OF BEAR LAKE } ss.

On this 9th day of June in the year 1969, before me, Elaine W. Webb a Notary Public in and for said state, personally appeared Wayne J. Matthews and Kendall Larsen, Presidents of East Liberty Irrigation Co, and Ovid Irrigation Co., respectively, personally known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and official seal, the day and year in this certificate above written.

Elaine W. Webb

Notary Public for Idaho
Residing at Paris
My Commission expires May 13, 1974

11-4023

RECEIVED

JUN 10 1969

Ovid, Idaho
June 6, 1969

Department of Reclamation

Keith R. Higginson
State Reclamation Engineer
Statehouse
Boise, Idaho
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President of East Liberty Irrigation Co. Wayne J. Matthews

President of Ovid Irrigation Co. Kendall Larsen

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COUNTY OF BEAR LAKE } ss.

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Notary Public for Idaho
Residing at Paris
My Commission expires May 13, 1974

11-4023

RECEIVED

APR 25 1969

Department of Reclamation

Ovid, Idaho
April 22, 1969

R. Keith Higginson
State Reclamation Engineer
Boise, Idaho

The Ovid Irrigation Co. and the East Liberty
Irrigation Co. wishes to file exception to the claim
to a water right No. 11-4023 with points of diversion
in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, T.12S., R. 43 E., B.M.
in Bear Lake Co. including W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32,
T.12S., R. 43 E., B.M. (place of use.

Sincerely,

Farrell W. Nielson

Farrell W. Nielson,

~~General Water Master~~
General Water Master

*Signed Before me P. Hugh Stephens
Notary Public April 24/4 1969 at
Paris Idaho*

FWN:ln

*P. Hugh Stephens
Paris Idaho*

*My Commissioner
Expires Oct 10/4 1970*

11-4023

THE NEWS+EXAMINER

MONTPELIER, IDAHO

Advertising & Commercial Printers

Statement: Account of Department of Reclamation

No. 11-4023 Dennis M. Carlson

Date May, 1969

April

17

29 Line Notice of Claim
published 2 issues

\$6.67

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.

Burt Taylor

Signature of claimant

submitted 5-29-69

11-4023

THE NEWS+EXAMINER

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No. 11-4023 Dennis M. Carlson

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that no part of same has been paid.

Ruth Taylor
Signature of claimant

11-4023

THE NEWS-EXAMINER
MONTPELIER, IDAHO

RECEIVED

MAY 22 1969

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 April 17, 1969
and ending with the issue
dated April 24, 1969

W. Jerome Taylor
Publisher and Foreman.

Subscribed and sworn to before me this 27th day of May, 1969

Tom L. Bagnall
Notary Public.

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 11-4023

Notice is hereby given that Dennis M. Carlsen, Box 341, Providence, Utah has filed a claim to a water right established by diversion and application to beneficial use of 1.5 cubic feet per second of water from unnamed springs tributary to unnamed creek (Liberty Creek) with points of diversion in NW 1/4 SE 1/4 and SW 1/4 SE 1/4 Sec. 28, T. 12 S., R. 43 E., B. M. in Bear Lake County; the water is claimed to be used from January 1 to December 31 for culinary and from April 15, to October 1 for crop irrigation with a priority of December 1, 1886; the place of use is W 1/4 NE 1/4, SE 1/4 NE 1/4 Sec. 32, T. 12 S., R. 43 E., B. M.

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 News-Examiner, Montpelier, Idaho on April 17 and April 24.

a17 24)

11-4023

June 19, 1969

Re: Claim to a Water Right No. 11-4023-Dennis M. Carlsen

Mr. Wayne J. Matthews
East Liberty Irrigation Co.
Ovid, Idaho

Dear Mr. Matthews:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which the above referenced claim has been filed (Idaho Code, Section 42-225 b):

"At anytime 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 reclamation 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 reclamation. Such claims may be corrected by the claimant 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.

Please contact us if we may be of any assistance to you.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

11-4023

June 19, 1969

Re: Claim to a Water Right No. 11-4023

Mr. Dennis M. Carlsen
Box 341
Providence, Utah

Dear Mr. Carlsen:

In reference to the above claim the enclosed is a copy of an exception which has been filed in connection with this claim under the provisions of Chapter 2, Section 42-225 b of the Idaho Code which states the following:

"At anytime 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 forwarded to the claimant by the department of reclamation. 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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Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: copy of exception

11-4023

June 9, 1969

Re: Claim No. 11-4023

Mr. Dennis M. Carlsen
Box 341
Providence, Utah

Dear Mr. Carlsen:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 11-4023. Please refer to this number when adding or changing the information in your claim.

Enclosed is Receipt No. 2896 in the amount of \$10.00 which covers the filing fee for the claim.

You should be advised that the filing of this claim completes the processing procedure by the Department of Reclamation. No further action is authorized under Section 42-225 a and b of the Utah Code. Your claim will be filed and will remain of public record until such time as you or the court needs the information.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DRR:jmb

Enclosure: Receipt No. 2896 for \$10.00

11-4023

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

RECEIVED

MAY 28 1969

Department of Reclamation

May 26, 1969

Re: Claim to a Water Right No. 11-4023-Dennis M. Carlsen

News-Examiner
P. O. Box 278
Montpelier, Idaho 83254

Gentlemen:

As of this date we have not yet received the affidavit of publication nor the certified bill of publication for the above referenced. Please forward these items to the Department so we may continue processing this claim.

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM: TG

11-4023

May 26, 1969

C
Re: Claim to a Water Right No. 11-4023-Dennis M. Carlsen

News-Examiner

P. O. Box 278

Montpelier, Idaho 83254

O
Gentlemen:

P
Y
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Very truly yours,

Donald W. McElidowney
Appropriation Examiner

DWM:TC

11-4023

May 26, 1969

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Dennis M. Carlsen
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Providence, Utah

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Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: copy of exception

11-4023

May 26, 1969

Re: Claim to A Water Right No. 11-4023
Dennis M. Carlsen

Farrell W. Nielson
General Water Master
Ovid Irrigation Company
Ovid, Idaho

Dear Mr. Nielson:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which the above referenced claim has been filed (Idaho Code, Section 42-225b):

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Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:lg

11-4023

RECEIVED

APR 14 1969

Department of Reclamation

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4023

Notice is hereby given that Dennis M. Carlsen, Box 341, Providence, Utah has filed a claim to a water right established by diversion and application to beneficial use of 2.5 cubic feet per second of water from unnamed springs tributary to unnamed creek (Liberty Creek) with points of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, T. 12 S., R. 43 E., B. M. in Bear Lake County, from the water is claimed to be used from January 1 to December 31 for culinary and from April 16, to October 1 for crop irrigation with a priority of December 1, 1886. The place of use is W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 12 S., R. 43 E., B. M. 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 News-Examiner,
Pocatello, Idaho on April 17 and
April 24.

217 24)

April 10, 1969

Re: Claim No. 11-4023

News-Examiner
P.O. Box 278
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 cannot 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.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

Enclosure: legal notice (1)

11-4023

NOTICE OF CLAIM TO A WATER RIGHT

No. 11-4023

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to unnamed creek (Liberty Creek) with points of diversion in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, T. 12 S., R. 43 E., B.M. in Bear ^{Lake County} ; the water is
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April 15, to Oct. 1 for crop irrigation with a priority of December 1, 1886
; the place of use is

W $\frac{1}{4}$ NE $\frac{1}{4}$. SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32. T. 12 S. R. 43 E. B. M.

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R. KEITH HIGGINSON
State Reclamation Engineer

News-Examiner, Montpelier, Idaho

Published in the _____
on April 17 _____ and April 24 _____.

11-4023

