

Third Hollow Spring
CACHE N.F.

Identification No. 11 4032
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 36 Township 13S
Range 42E B.M. located on Third Hollow Spring
(name of source)
tributary to Third Hollow 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:
May 28, 1906 amount: .02 c.f.s. or _____ 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 July 1 to Sept. 15 (both dates inclusive)
use _____ period of use from _____ to _____ (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 small retention
dam of local soil materials; length is 30 feet; height is 2 feet;
width at bottom is 30 feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
The small pond is approximately 30 feet in diameter.
 - 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 4032

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The 1934 development was a head box, pipeline, and a trough. The water flows in a natural channel to the pond.

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 Yes, if so, give dates and describe The small impoundment was increased to its present size in 1955.

[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 300 cattle

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____

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
The spring was reservoired and used for stock watering since earliest stock grazing began. In 1934, the spring was enclosed in a concrete head box and a pipeline laid from the head box to a trough on National Forest land. In 1955, a reservoir approximately 30 feet in diameter was constructed.

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

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 affiants knowledge.

VERN HAMRE, Regional Forester

By S. L. Cuskelly
S. L. Cuskelly, Claimant Acting Regional Forester

Sworn to before me this 24th day of February, 1972.

Maurice L. Cuskelly
Notary Public

Residing at Ogden, Utah

My commission expires December 15, 1975

For Department Use Only

Received by ej Date 2-25-72 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by LES Date 2-28-72 mailed 2/28/72 claimant by: _____
Fee received by ej Date 3/20/72 Fee \$10.00 _____
Approved for publication by D _____ 11 4032
Published in Ham-Examiner Dates 3-30-72 _____
4-6-72

62
9/22/72
NLY
EHLR
3/23/72
wpt
3/24/72

RECEIVED

APR 17 1972

Department of Water Administration
Eastern District Office

RECEIVED RECEIVED

APR 26 1972

Department of Water Administration

APR 19 1972

Department of Water Administration
Eastern District Office

A F F I D A V I T

MARVIN L. LARSEN, having been duly sworn, hereby makes exception to Claim of Water Right No. 11-4032, filed by the United States of America Forest Service, a notice of which is published in the News Examiner, Montpelier, Idaho, on March 30, 1972, and April 6, 1972.

Said Affiant, having been duly sworn hereby further states that he is using the water for culinary, domestic, and irrigation purposes upon real estate owned by the affiant. Said Affiant further states that he has been using the water for these purposes for ten (10) years and his predecessors in title used the water from said stream for many years prior to the use of the Affiant.

As proof of said exception, the Affiant is prepared to testify that he has used the water, and he would call Irwin Parker, Lanark, Idaho, Joe Collins, Paris, Idaho, and Lodd Ringel, Inkom, Idaho, who will testify of their knowledge of the use of the water from the stream in question by the Affiant and by his predecessors in title.

Marvin L. Larsen
Marvin L. Larsen

SWORN and Subscribed to before me this 14th day of April, 1972.

(SEAL)

Robert E. Jones
NOTARY PUBLIC For Idaho
Residing at Montpelier, Idaho
My Comm. expires: 8-10-75

11 4032

RECEIVED

APR 17 1972

Department of Water Administration
Eastern District Office

RECEIVED

APR 21 1972

Department of Water Administration

RECEIVED

APR 19 1972

Department of Water Administration
Eastern District Office

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Marvin L. Larsen
Marvin L. Larsen

SWORN and Subscribed to before me this 14th day
of April, 1972.

(SEAL)

Nola Z. Jones
NOTARY PUBLIC for Idaho
Residing at Montpelier, Idaho
My Comm. expires: 8-10-75

11 4032

RECEIVED

RECEIVED

THE NEWS-EXAMINER

MONTPELIER, IDAHO

APR 21 1972

Department of Water Administration
Eastern District Office

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 March 30, 1972
and ending with the issue
dated April 6, 1972

W. Jerome Taylor
Publisher and Foreman

Subscribed and sworn to before me this 21st day of April, 1972

L. B. Bingham
Notary Public.

NOTICE OF CLAIM TO A WATER RIGHT No. 11-4032

Notice is hereby given that 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 .02 cubic feet per second of water from Third Hollow Spring, tributary to Third Hollow Creek with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 13S, R. 42E, B. M., Bear Lake County.

The water is claimed to be used from July 1 to September 15 for stockwatering purposes of 300 head of cattle with a priority of May 28, 1906.

The place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 13S, R. 42E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in The News-Examiner, Montpelier, Idaho on March 30 and April 6, 1972.

(m30; a-6)

—Read The Want Ads—

11 4032

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE
324 25th Street
Ogden, Utah 84401

RECEIVED

FEB 25 1972

Department of Water Administration
2540

February 23, 1972



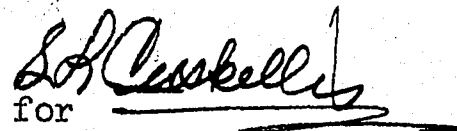
Mr. R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

We are enclosing a Claim to a Water Right, State of Idaho, for stockwatering use on Third Hollow Spring, Cache National Forest.

Please sign the enclosed voucher for the \$10.00 filing fee and return for payment.

Sincerely,


for
VERN HAMRE
Regional Forester

2 Enclosures

*Voucher
mailed 2/28/72
j*

11 4032

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE
324 25th Street
Ogden, Utah 84401

RECEIVED

FEB 23 1972

Department of Water Administration
2540

February 23, 1972



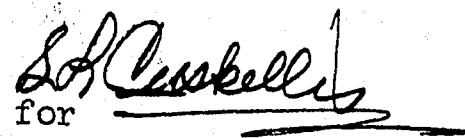
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Statehouse - Annex 2
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for
VERN HAMRE
Regional Forester

2 Enclosures

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mailed 2/28/72
j*

11 4032

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NO. 11-4032

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25th Street, Ogden, Utah

has filed a claim to a water right established by diversion and application to
beneficial use of .02 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~

of water from Third Hollow Spring, tributary to Third Hollow Creek

with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 13S, R. 42E, B.M., Bear Lake
County

The water is claimed to be used from July 1 to Sept. 15 for stockwatering
purposes of 300 head of cattle

with a priority of May 28, 1906

The place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 13S, R. 42E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the News-Examiner, Montpelier, Idaho
on March 30 and April 6, 1972

11 ^{NCY} 4032

THE NEWS+EXAMINER

MONTPELIER, IDAHO

Advertising & Commercial Printers

Statement: Account of Dept. of Water Administration

Date

No. ~~11-042~~ Forest Service

April, 1972

March
30

32 Line Notice of Claim
published 2 issues

\$12.48

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 the same has been paid.

Ruth Zeller

11 4032

THE NEWS+EXAMINER

MONTPELIER, IDAHO

Advertising & Commercial Printers

Statement: Account of Dept. of Water Administration

Date

No. 11-042 Forest Service

April, 1972

March
30

32 Line Notice of Claim
published 2 issues

\$12.48

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account is just and correct, that the
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allowing all just credits, and that no
part of the same has been paid.

Ruth Zacher

11 4032

March 24, 1972

Re: Claim No. 11-4032 - United States of America, Forest Service

The 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 our 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 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 the same has been paid."

(signature of claimant)

Very truly yours,

Norman C. Young
District Engineer

NCY:BJ
Enc: Legal notice

Bill submitted 4-27-72. cr

11 4032

RECEIVED

4-7-72

APR 20 1972

Idaho Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Department of Water Administration
Eastern District Office

Notice is hereby given that I appose the claim to the
water rights No. 11-4032. The third hollow spring and
property owned by myself; which is located in the
SW1/4SW1/4, Sec. 36, T. 13S R. 42E, BM. Bear Lake County.

The water is needed by myself for turning the area into
a recreational area known as the Hummingbird Lodge.

This area was used prior to May 28, 1906 for Minning.

M. L. Laren

over

*Box 261
Caldwell*

of

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 11-4032**

Notice is hereby given that 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 .02 cubic feet per second of water from Third Hollow Spring, tributary to Third Hollow Creek with point of diversion in the SW1/4SW1/4, Sec. 36, T. 13S, R. 42E, B. M., Bear Lake County.

The water is claimed to be used from July 1 to September 15 for stockwatering purposes of 300 head of cattle with a priority of May 28, 1906.

The place of use is within the SW1/4SW1/4, Sec. 36, T. 13S, R. 42E, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in The News-Examiner,
Montpelier, Idaho on March 30 and
April 6, 1972.

(m30; a-6)

11 4032

April 11, 1972

Re: Claim No. 11-4032

Mr. Marvin L. Larsen
Box 261
Paris, ID 83261

Dear Mr. Larsen:

We are in receipt of your exception filed against Claim to a Water Right No. 11-4032.

However, before we can officially receipt an exception, it must be filed in duplicate, in affidavit form, accompanied by such proof as you deem appropriate (Sec. 42-225b, Idaho Code).

If you have any questions, please do not hesitate to contact this office. We will be happy to help you in any way we can.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BJ

11 4032

RECEIVED

APR 18 1972

Department of Water Administration

April 17, 1972

Re: Claim No. 11-4032

Mr. Marvin L. Larsen
Box 261
Paris, ID 83261

Dear Mr. Larsen:

We are again returning your exception to Claim to a Water Right No. 11-4032. It is now in proper form, but the notary seal does not agree with the notary's signature. Please have this corrected and return the affidavits to us.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:bj

Enc: exception - 11-4032

11 4032

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Eastern District Office
240 South Holmes Avenue
Idaho Falls, Idaho 83401
(208) 523-7186



RECEIVED

R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Irrigation and
Flood Control Districts
Waste Disposal Wells
Stream Channel Protection

Department of Water Administration

APR 21 1972

Department of Water Administration
Eastern District Office

April 20, 1972

Re: Claim to a Water Right No. 11-4032 - United States of America, Forest Service

The News-Examiner
P. O. Box 278
Montpelier, ID 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced claim. The legal notice was to have been published in your newspaper on March 30 and April 6, 1972.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Bobbie Johnson
For NORMAN C. YOUNG
District Engineer

NCY:BJ

11 4032

April 27, 1972

Re: Claim to a Water Right No. 11-4032

U.S. Forest Service
324 - 25th Street
Ogden, Utah 84401

Gentlemen:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:bb
Enclosure: Copy of Claim

cc: Department of Water Administration
Idaho Falls, Idaho

11 4032

RECEIVED

APR 25 1972

Department of Water Administration

April 19, 1972

Re: Claim to a Water Right No. 11-4032 - United States of America,
Forest Service

Mr. Marvin L. Larsen
P.O. Box 261
Paris, ID 83261

Dear Mr. Larsen:

We have received the exception dated April 14, 1972, filed in your behalf 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 department of reclamation (renamed department of water administration, July 1, 1970) 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 administration. 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,

NORMAN C. YOUNG
District Engineer

NCY:BJ

11 4032

RECEIVED

APR 21 1972

Department of Water Administration

April 19, 1972

Re: Claim to a Water Right No. 11-4032

United State of America,
Forest Service
324 25th Street
Ogden, UT 84401

ATTENTION: Mr. Vern Hamre, Regional Forester

Gentlemen:

Enclosed please find a copy of the exception filed by Marvin L. Larsen in connection with your Claim No. 11-4032. 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. 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 we can be of further assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer
NCY:BJ
Enc: Copy of exception

11 4032

