

RECEIVED

MAY 16 1969

Department of Reclamation

Identification No.

Claim No.

Map No.

17-4002

North Carter Well

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 St. Ogden, Utah 84401

2. The point of diversion is in SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  Section 31 Township 15S  
Range 33E B.M. located on (Curlew National Grassland) Groundwater  
(name of source)  
tributary to Deep Creek in Oneida 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:

1948 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 stock water period of use from 4/1 to 12/31 (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 \_\_\_\_\_  
\_\_\_\_\_ ; 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 pumped ; depth of well is 154 feet; diameter of well is 6 inches; type of pump is 4" cylinder - motor driven  
capacity of pump is 10 g.p.m.; name and address of well driller is \_\_\_\_\_  
\_\_\_\_\_ ;

17-4002

\_\_\_\_\_

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[illegible]

100

Total number of acres to be irrigated

\_\_\_\_\_

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 700  
Hereford Cattle (cows and calves)

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 \_\_\_\_\_

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.

MAY 14 1969  
(Date)

State of Idaho

County of WEBER } ss.

FLOYD IVERSON, Regional Forester

By [Signature]

(Signature of Claimant) Acting Regional Forester

On this 14th day of May 1969, 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 12/15/71

For Department Use Only

Received by [Signature] Date 5-16-69

Exception filed by: \_\_\_\_\_

Forwarded to  
claimant by: \_\_\_\_\_

Date \_\_\_\_\_

Prelim. check by [Signature] Date 6/1/69

Fee received by [Signature] Date 6-4-69 Fee \$10.00

Approved for publication by [Signature] Date 6-17-69

Published in Ida Center Dates 6-19-69 to 6-26-69

Rec'd #3127

17-4002

## INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

### Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

|                           |                     |                |                      |                   |           |
|---------------------------|---------------------|----------------|----------------------|-------------------|-----------|
| Date of priority claimed: | <u>May 18, 1871</u> | amount:        | <u>0.8 c.f.s. or</u> | <u>          </u> | acre feet |
|                           | <u>June 1, 1901</u> | amount:        | <u>0.4 c.f.s. or</u> | <u>          </u> | acre feet |
|                           |                     | Total claimed: | <u>1.2 c.f.s. or</u> | <u>          </u> | acre feet |

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

IN THE MATTER OF:

AFFIDAVIT

North Carter well

State of Idaho

County of oneida

Paul L Clark

being first duly sworn,

deposes and says:

my name is Paul L Clark. I am  
the Range Technician on the Malad Ranger  
District, Caribou National Forest.

On March 7<sup>th</sup> 1969 I personally talked  
with Carl Hickman who stated to me that  
he had personal knowledge concerning the above  
referred well, located in SE 1/4 of SW 1/4 Section 31  
T15S, R33E B.M.

Mr. Hickman further stated that  
said well was drilled and commenced  
providing water for livestock use during  
the year 1948

Paul L Clark  
(signature)

Subscribed and sworn to before me this 27<sup>th</sup> day of March 1969.

Norman L. Powell  
(Notary Public)

Residing at

Opportunity, Utah

My commission expires

12/15/71

# Affidavit of Publication

State of Idaho  
County of Oneida, ss.

*Mrs. Matthews* being first duly sworn on  
h. oath, states: That *she* is ... *chief clerk* ...  
of the Idaho Enterprise, a newspaper of general circulation  
in Oneida County, Idaho published weekly at Malad, 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 publi-  
cation of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of  
publication of said notice a newspaper of general circu-  
lation made up of at least four pages of at least five  
columns each, printed from type matter or stereotyped  
forms of at least seventeen and three fourths inches depth,  
and said newspaper during all of the times of publication  
aforesaid had more than 200 bonafide subscribers thereto  
living within the county of Oneida in which said newspaper  
was published at regular intervals not less frequently than  
once a week.

That the annexed notice was published per clipping  
attached in the regular and entire edition of said news-  
paper and not in any supplement thereof for *2* successive  
weekly issues thereof the date of the first publication be-  
ing the *19* day of ... *June* ..... 19*69* the date of  
the last publication being the *26* day of ... *June* .....  
19*69*

*Mrs. Matthews*

Subscribed and sworn to before me this *27* day of

..... *June* ....., 19 *69* .....

Notary Public, residing at Malad, Idaho

My Commission expires the *19* day of ... *May* .., 19*71*

Costs: .. *27* lines at 13c per line first insertion \$. *3.51*.

..... lines tabulated at 20c per line \$. .....

10c per line each subsequent insertion \$. *2.70*.

TOTAL ..... \$. *6.21*.

(Rates for legal notices are fixed by Idaho law)

RECEIVED

JUN 30 1969

Department of Reclamation

## NOTICE OF CLAIM TO A WATER RIGHT No. 17-4002

Notice is hereby given that the  
United States of America-Forest  
Service, 324-25th St., 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 a groundwater source with  
point of diversion in SE 1/4 SW 1/4,  
Sec. 31, T. 15 S, R. 33 E, B.M.,  
Oneida County; the water is  
claimed to be used from April 1  
to December 31 for stockwater  
with a priority of 1948; the place  
of use is SE 1/4 SW 1/4, Sec. 31, T.  
15 S, R. 33 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 Idaho Enter-  
prise, Malad City, Idaho, on June  
19 and June 26, 1969.

will submitted 4-2-69

DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
STATEHOUSE - ANNEX 2  
BOISE, IDAHO 83707

July 3, 1969

Re: Claim to a Water Right No. 41-4000 and 41-4001 and 17-4000 to 17-4008

*17-4002*

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

Gentlemen:

The above referenced claim to water rights has been received and processed by the Department of Reclamation. The information in your claims have been filed under the above numbers. Please refer to these numbers when adding or changing the information in your claim.

Enclosed is Receipt No. 3127 in the amount of \$110.00 which covers the filing fees for the claims.

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

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:TC

Enc: Receipt No. 3127 for \$110

*17-4002*

# NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that the United States of America-Forest Service, 324-25th St., Ogden, Utah, has filed a claim to a water right established by diversion and .02 cubic feet per second of water from a groundwater source with point of diversion in SE $\frac{1}{4}$  SW $\frac{1}{4}$  S $\frac{30}{30}$ , 31, T. 15 S., R. 33 E., B.M., Oneida County; the water is claimed to be used from April 1 to December 31 for stockwater with a priority of 1948; the place of use is SE $\frac{1}{4}$  SW $\frac{1}{4}$ . See, 31, T. 15 S., R. 33 E., B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

**R. KETTL HIGGINS**  
State Reclamation Engineer,  
Published in the Idaho Engineer  
19 and June 26, 1969.

June 12, 1969

Re: Claim to a Water Right No. 41-7000 and 41-4001--U.S.A.--Forest Service  
Claim to a Water Right No. 17-4000 to 17-4008--U.S.A.--Forest Service

17-4002

Idaho Enterprise  
P. O. Box 205  
Malad City, Idaho 83252

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:DRR:jmb

Enclosures: Legal Notices (11)

17-4002

NOTICE OF CLAIM TO A WATER RIGHT

No. 17-4002

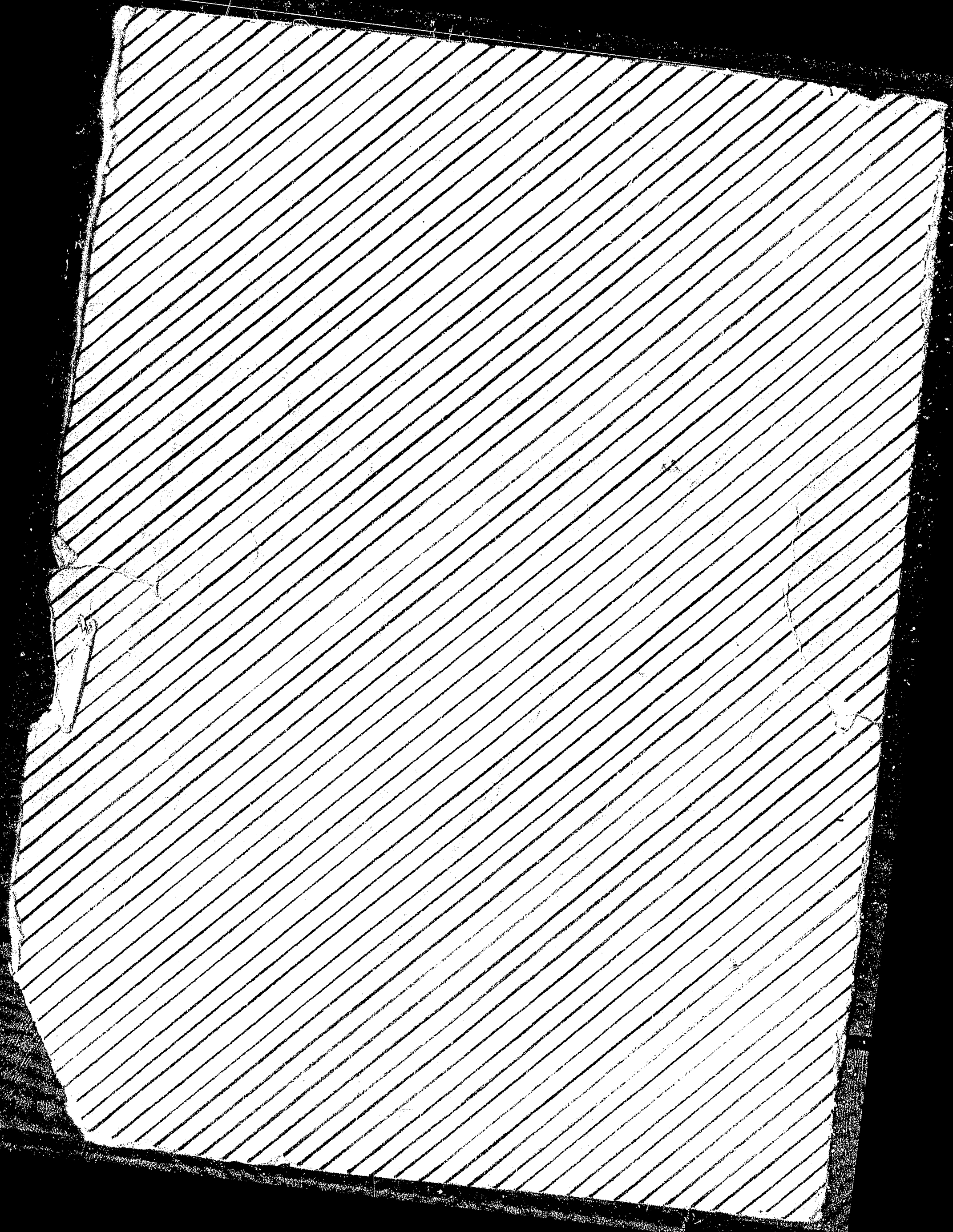
Notice is hereby given that ~~the United States of America Forest Service,~~  
~~324-25th St., Ogden, Utah~~ has filed a claim to a water right  
established by diversion and application to beneficial use of .02  
cubic feet per second ~~per second~~ of water from ~~a groundwater source~~  
~~\_\_\_\_\_~~ with point of diversion in ~~SE1/4SW1/4,~~  
~~Sec. 31, T. 15 S., R. 33 E., B. M., Oneida County;~~ the water is  
claimed to be used from ~~April 1 to December 31 for stockwater~~  
~~\_\_\_\_\_~~ with a priority of 1948  
~~\_\_\_\_\_~~; the place of use is ~~SE1/4SW1/4, Sec. 31,~~  
~~T. 15 S., R. 33 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 Idaho Enterprise, Maled City, Idaho  
on June 19 and June 26, 1969

17-4002



# Affidavit of Publication

State of Idaho  
County of Oneida, ss.

*Mary Mott Kew* being first duly sworn on  
h. oath, states: That *she* is *chief clerk*  
of the Idaho Enterprise, a newspaper of general circulation  
in Oneida County, Idaho published weekly at Malad, 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 publi-  
cation of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of  
publication of said notice a newspaper of general circula-  
tion made up of at least four pages of at least five  
columns each, printed from type matter or stereotyped  
forms of at least seventeen and three fourths inches depth,  
and said newspaper during all of the times of publication  
aforesaid had more than 200 bonafide subscribers thereto  
living within the county of Oneida in which said newspaper  
was published at regular intervals not less frequently than  
once a week.

That the annexed notice was published per clipping  
attached in the regular and entire edition of said news-  
paper and not in any supplement thereof for *2* successive  
weekly issues thereof the date of the first publication be-  
ing the *19* day of *June* ..... 19*69* the date of  
the last publication being the *26* day of *June* .....  
19*69*

*Mary Mott Kew*

Subscribed and sworn to before me this *27* day of

*June* ..... 19 *69* *E. J. Scott*

Notary Public, residing at Malad, Idaho

My Commission expires the *19* day of *May*, 19*71*

Costs: *27* lines at 13c per line first insertion \$. *3.51*.

..... lines tabulated at 20c per line \$. .....

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Oneida County; the water is  
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15 S., R. 33 E., B.M.

Any exception to this claim of  
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R. KEITH HIGGINSON

State Reclamation Engineer

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prise, Malad City, Idaho, on June  
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bill submitted 4-2-69

17-4002

