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Right Number 25-4032

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Right Number 25-4032

Attachment A: Tract 41 Warranty Deed

Tract 41
Previous Owner: Ostler
Claim Number 4032 and 4034B
Bridge and Eagle Creeks

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JAN 12 2005

Department of Water Resources
Eastern Region

UNITED STATES GOVERNMENT

Memorandum

FISH AND WILDLIFE SERVICE
PORTLAND, OREGON

TO: Refuge Manager
Southeast Idaho Refuge Complex

FROM: Conveyance Examiner
Portland, Oregon (ARW-RE)

SUBJECT: Closing on Grays Lake NWR Tract



Date: November 19, 1986

LA-Idaho
Grays Lake NWR
Raymond H. Ostler (41)

The attached Warranty Deed, Certificate of Rights of Way, and Tract Map for the above-referenced tract should be placed in your permanent file. This land is now a part of the Wildlife Refuge System and should be administered accordingly.

Judee Jacoby
Judee Jacoby

Attachments

Ostler
Bridge and Eagle Creek
Claims # 4034B and 4032

#4
JH

= 7 1 2 3 3 3

WARRANTY DEED

BONNEVILLE COUNTY
CLERK

AUG 22 1 45 PM '86

The Grantors, Raymond H. Ostler and Voneal I. Ostler, husband and wife, for and in consideration of the sum of Sixty Thousand and 00/100 Dollars (\$60,000.00), the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to the UNITED STATES OF AMERICA and its assigns, all of the real property with the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Bonneville, State of Idaho, to-wit:

T. 4 S., R. 43 E., Boise Meridian:

Section 23 : E1/2SW1/4

Section 26 : NE1/4NW1/4

Together with the Grantors' right, title, and interest in and to all mineral and water rights appurtenant to said property.

RESERVING unto the Grantors, the right to use the above described lands, together with the right of ingress and egress, for hay production and grazing through December 31, 1987.

The land is conveyed subject to existing easements for public roads, pipelines, and public utilities.

To Have And To Hold the above described premises to the United States of America and its assigns, forever.

The Grantors further remise, release, and forever quitclaim to the United States and its assigns, all right, title, and interest which the Grantors may have in any roads abutting or adjoining said land and in any means of ingress or egress appurtenant thereto.

The land is being acquired by the Department of the Interior, Fish and Wildlife Service.

The Grantors hereby covenant to and with the United States and its assigns, that Grantors are lawfully seized in fee simple of the above granted premises, have a good and lawful right and power to sell and convey the same, that the same are free and clear of all encumbrances and that Grantors will warrant and forever defend the title thereto and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Dated this 20th day of August, 19 86.

Raymond H. Ostler
Raymond H. Ostler

Voneal I. Ostler
Voneal I. Ostler

INSTRUMENT NO.	<u>712333</u>
DATE	<u>8-22-86</u>
INST. CODE	<u>33</u>
FICHE NO.	<u>3800-01</u>
FEE	<u>6⁰⁰</u>
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Randa Longmore, County Recorder	
<u>Mawba L. Longmore</u> Request of	

ACKNOWLEDGMENT

STATE OF Idaho)
) ss
County of Caribou)

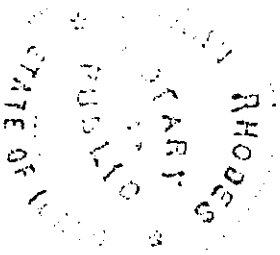
On this 20th day of August, 19 86, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Raymond H. Oster and Voneal D. Oster, known to me to be the individual described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the said instrument as their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and my official seal hereto affixed the day and year in this certificate above written.

Jo Ann L. Rhodes
Notary Public in and for the State of

Idaho residing at Soda Springs

My Commission Expires: 2-19-91





United States
Department of the Interior

Fish and Wildlife Service

Lloyd 500 Building, Suite 1692
500 N.E. Multnomah Street
Portland, Oregon 97232

CERTIFICATE AS TO RIGHTS-OF-WAY, EASEMENTS, AND RESERVATIONS

WHEREAS, the United States of America is about to acquire title to; the Ostler, Raymond H. tract (41), Grays Lake National Wildlife Refuge, situate in Bonneville County, State of Idaho, under the authority of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j) and amendments therefore, for use in the acquisition of lands for the Refuge System.

WHEREAS, it appears from the title policy and from evidence on the ground and in order to acquire said land by purchase it is necessary to acquire same, subject to certain rights-of-way, easements, and reservations, and

WHEREAS, the said rights-of-way, easements, and reservations of record are:

- reservations contained in the United States Patent
- all road, ditch, and utility rights-of-way
- oil and gas lease to Walter W. Sapp recorded July 7, 1976, under Recorder's Instrument No. 499456, Bonneville County, State of Idaho

WHEREAS, the said rights-of-way, easements, and reservations not of public records are:

- reservation of use of the subject lands for hay production and grazing through December 31, 1987

WHEREAS, the said lands are to be acquired subject to said rights-of-way, easements, and reservations;

NOW, THEREFORE, I do hereby certify that the said rights, easements, and reservations, will not impair the value of or interfere with the use of the area so encumbered for the purpose for which said land is being acquired.

Date

May 30, 1986

James H. Shaw
Chief, Office of Acquisition

GRAYS LAKE NATIONAL WILDLIFE REFUGE

BONNEVILLE AND CARIBOU COUNTIES, ID.

UNITED STATES
DEPARTMENT OF THE INTERIOR

UNITED STATES
FISH AND WILDLIFE SERVICE

R 42 E R 43 E

111°30'

111°28'

T 3 S

T 4 S

43°02'

T 5 S

T 4 S

43°02'

T 5 S

R 42 E R 43 E

111°28'

111°22'

COMPILED IN REALITY FROM
SURVEYS BY USGS, FWS, BLM

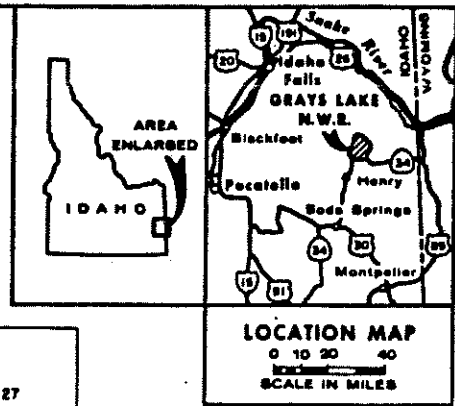
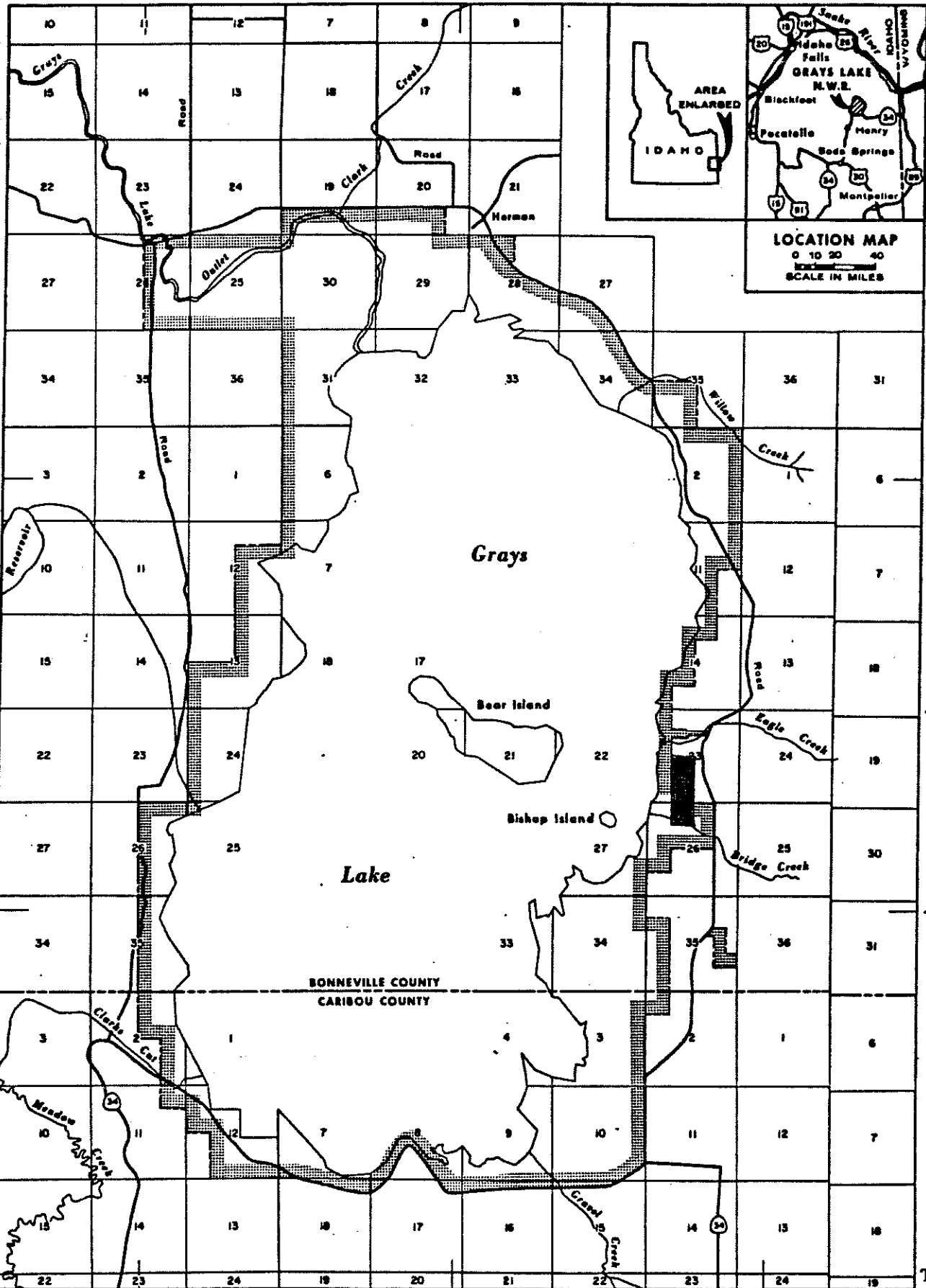
BOISE MERIDIAN



16°18'
MEAN
DECLINATION
1980

PORTLAND, OREGON MAY 1980

IR IDA 691 445



Right Number 25-4032

Attachment B: Posting Notice

Posting Notice
Located at the Bingham County Recorder's
Office

RECEIVED

JAN 12 2005

Department of Water Resources
Eastern Region

WATER LOCATION

James Roberts

Notice of Water Location

I the undersigned having had the undisputed possession of and used the water in this stream known as Bridge Creek for 5 years on the 6 day of June passed do now locate and claim said water to the extent of 500 five hundred acres for agricultural purposes to be conveyed as heretofore in a ditch from this point to my Homestead situated about 6 miles down John Gray's Lake and 1 mile south of Eagle Creek adjoining the foot hills on the East and running thence west into the Lake Bottom

Dated this 11 day of January 1888

Signed James Roberts Locator

Territory of Idaho }
County of Bingham }

I the undersigned do solemnly swear that I have for near 6 years been acquainted with the water course known as Bridge Creek described in the accompanying warrant location that the same has not heretofore been located or used for any purpose whatever by any person but myself

Signed James Roberts

Subscribed and sworn to before me this 11 day of January 1888



Joseph Hawkins
Notary Public

Recorded at the request of
Hawkins 2/27/88 at 3:30 pm
Geo A Roberson
Recorder

Homestead Map
Located at Bonneville County Recorder's Office

-- \$1.00
-- 2.00
-- 3.00
-- 4.00

of a township.
i or lot is vacant
X, every lot or
shown.

Scale 40 Chains to an Inch.

Right Number 25-4032

Attachment C:

Affidavits of: Ostler
Fisher
Langman
Stoor

Right Number 25-4032

Attachment D: Aerial Photos of Place of Use



U.S. Fish & Wildlife Service

Grays Lake National Wildlife Refuge

Bonneville County, Idaho

Claim Number 25-04032 Place of Use



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

Claim25-04032_20040711.MXD, 1/5/05

R 43 E

0 0.05 0.1 Miles

0 0.05 0.1 Kilometers

1:6,000 BOISE MERIDIAN



Water Resources Branch
R1 Division of Engineering
911 NE 11th Avenue
Portland, OR 97232-4191
503-231-6251



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JAN 12 2005

Department of Water Resources
Eastern Region

Right Number 25-4032

Attachment E: DRAFT (New Claim) Eagle Creek

DRAFT

DRAFT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: NEW
Date Received: _____
Receipt No.: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: **United States of America** Phone: **503-231-6145**
(Fish and Wildlife Service)
Address: **Division of Engineering**
911 NE 11th Avenue
Portland, OR 97232-4181

2. Date of Priority: January 28, 1886 (see posting)

3. Source: Eagle Creek Trib. to: Grays Lake

4. Point of Diversion:

Township 4S Range 43E Section 23, NE1/4 of NE1/4, B.M.,
County of Bonneville

Point of Injection: T04S R43E S26 NESWNE

Point of Re-diversion: T.4S R.43E S26 NESWNE

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JAN 12 2005
Department of Water Resources
Eastern Region

5. Description of diverting works: **Earthen diversion and 2 ditches, flood irrigation.**

6. Water is claimed for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
Irrigation/Wildlife	Apr. 15	Oct. 15	0.80	
Stockwater/Wildlife	Mar. 15	Nov. 15	0.02	

7. Total Quantity Claimed is:
0.82 C.F.S. (and/or)

A.F.A.
United States of America
Fish and Wildlife Service

8. Non-irrigation uses: 50 head cattle, wildlife.

9. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
4S	43E	26	NE NW		Irr,S&W	40

Total Number of Acres Irrigated 40

10. Place of use, county(ies): Bonneville

11. Do you own the property listed above as place of use? **Yes.**

12. Other Water Rights Used: **None.**

13. Remarks: **This water right combined with claim no. 25-4032 will not exceed 0.82 cfs**

The Grays Lake National Wildlife Refuge was established by the Migratory Bird Conservation Commission on June 15, 1965, for waterfowl nesting and production.

14. Basis of Claim (Check one) Beneficial Use X Posted Notice _____
License _____ Permit _____ Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____



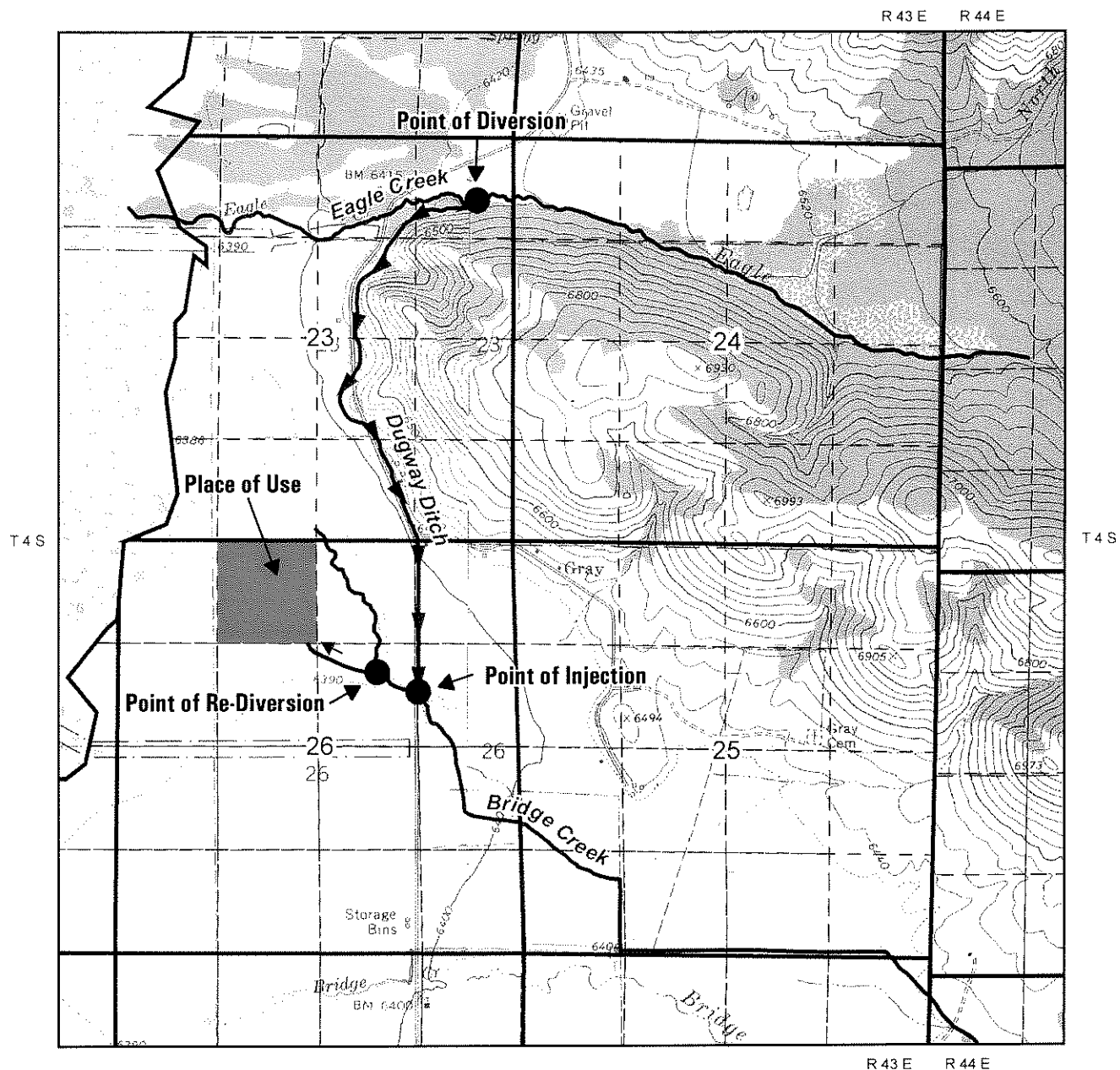
U.S. Fish & Wildlife Service

Grays Lake National Wildlife Refuge

Bonneville County, Idaho

New Claim (Eagle Creek)

SOURCE: EAGLE CREEK
QUANTITY: 0.80 CFS, 0.02 CFS
POINT OF DIVERSION: T04S R43E S23 NENE
POINT OF INJECTION: T04S R43E S26 NESWNE
POINT OF REDIVERSION: T04S R43E S23 NESWNE
PURPOSE OF USE: IRRIGATION/WILDLIFE, STOCKWATER/WILDLIFE



THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

Claim_New_EagleCreek.MXD, 1/10/05

0 0.25 0.5
Kilometers Miles
0 0.25 0.5
1:24,000 BOISE MERIDIAN



Water Resources Branch
R1 Division of Engineering
911 NE 11th Avenue
Portland, OR 97232-4191
503-231-6251

