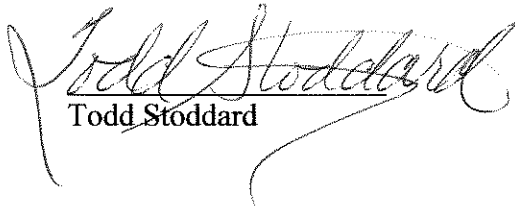


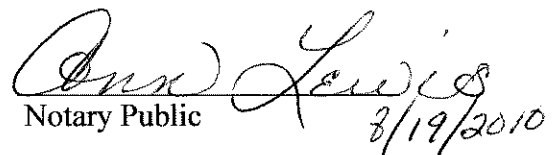
January 10, 2005

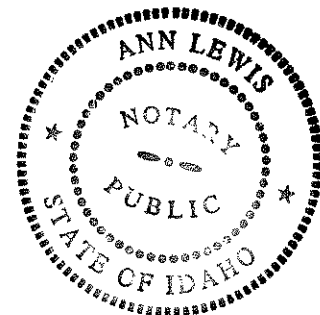
Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

Idaho Department of Water Resources

I worked for the Bird Refuge in 1996. We were taking water measurements about one mile north of the church on the Grays Lake Road. I asked which Creek and they told me Bridge Creek. I told them that Bridge Creek was dry and to look to the east of the road and it was dry. The water was coming from a ditch that parallels the road that water comes from Eagle Creek. They took the water measurement as Bridge Creek. Mr. Fisher and Ralph Stoor were present when the measurements were taken. The summer I worked for the Bird Refuge we did not irrigate anything, and I have never known them to irrigate up until 2003.


Todd Stoddard


Notary Public 3/19/2010

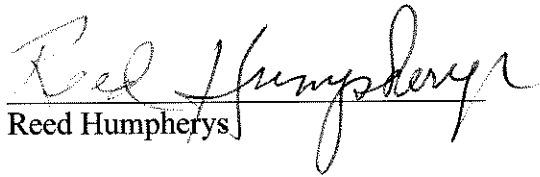


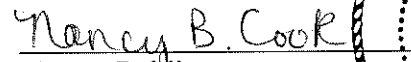
January 10, 2005

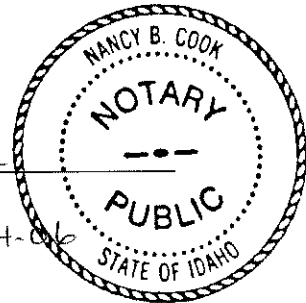
Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

Idaho Department of Water Resources:

I have a ranch at Grays Lake, and have lived here since 1948. I have never known of the Bird Refuge to ever irrigate up until 2003.


Reed Humpherys


Nancy B. Cook
Notary Public
Comm EXPIRES: 11-24-06



January 10, 2005

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

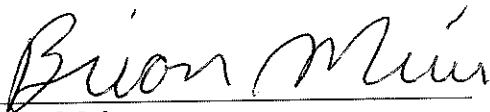
Idaho Department of Water Resources:

I am writing this letter in regards to the history of the diversion dam that is on our property that diverts water from Bridge Creek.

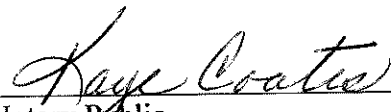
The only persons that ever diverted water their was our immediate family (myself Brian Muir, my father Ewert Muir, and his father etc.) We did it with a canvas dam for the purpose of stock water on the north side of our ranch. Part of the water stays in Bridge Creek for the purpose of stock water for the Steve Tingey ranch that is to the west. After spring snow melts and the water is diverted two ways the water usually dries up on our property between June 10 – first part of July. Bridge Creek usually dries up the first part of July and we have to turn on our well for stock water.

In 1991, my father Ewert Muir was working part time for the Bird Refuge and they asked my father if they could put a used head gate and culvert at the site where we had the canvas dam. He let them do it. It is not operable and has been in the closed position since that time.

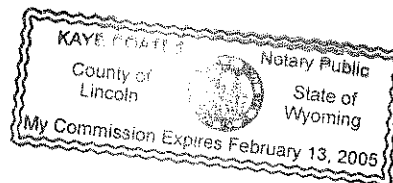
I have lived at Grays Lake all my life and my ancestors homesteaded our ranch here.



Brian Muir



Notary Public



January 10, 2005

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

Idaho Department of Water Resources:

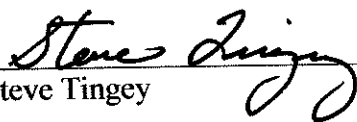
I am writing this letter in regards to the history of the diversion dam on Bridge Creek that is on the Muir Ranch.

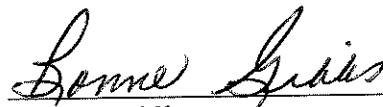
The only family that diverted water there was the Muir Family. They diverted water with a canvas dam for the purpose of stock water to the north. The water is split two ways at that point. I have stock water in Bridge Creek, that water goes straight west of the diversion dam to my property.

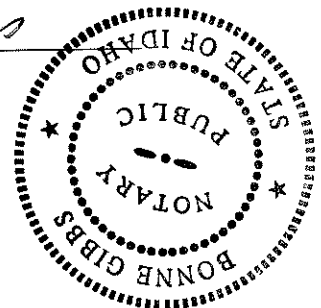
After spring snow melt and the water is diverted two ways Bridge Creek usually dries up between June 10 – first part of July on the Muir property. Then I have to turn on my well for stock water.

In 1991, the Bird Refuge put a used head gate and culvert in Bridge Creek on the Muir Property where Muirs had the canvas dam. It is not operable and has been closed since that time. Pictures are attached to this letter.

My family homesteaded in this valley and we have owned this ranch since that time.


Steve Tingey


Notary Public





Affidavit of Charles Tingey Family

I am writing this letter in regards to Bridge Creek that was an irrigation source on our family's ranch (Perry Tingey our Grandfather, Charles Tingey our father.) This ranch has been owned by the Tingey family from 1888 to 1974. It is now owned by OW Ranch (the Ken O'Brien family).

Our ranch was the only ranch that diverted water from Bridge Creek for irrigation. It was diverted in the South east corner of our ranch.

My nephew Scott Henry was the last person to manage the ranch for my mother after my father passed away. He is willing to testify in court if needed in behalf of our family.

Luana Tingey Hood
Luana Tingey Hood
Representative Charles Tingey Family Estate

1-9-06

Shirley Baustert
Notary
Jan-9-06

NOTARY PUBLIC
STATE OF CALIFORNIA
COMMISSION EXPIRES 12/31/06

November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

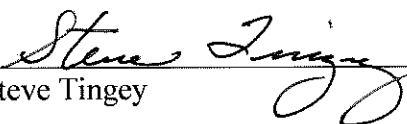
Idaho Department of Water Resources:

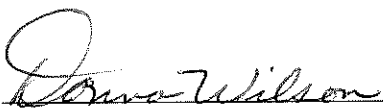
My family has been in the Gray's Lake Valley ever since ranches were homesteaded here.

My grandfather Perry Tingey owned the ranch that is now the OW Ranch Inc. (owned by the Ken O'Brien family). That ranch was the only one's that irrigated out of Bridge Creek. The only ranches that irrigated below there, irrigated out of ditch that James Sibbitt SR. hand dug to Eagle Creek.

I have stock water out of Bridge Creek, but the Bird Refugee put a head gate in the creek that is impossible to open and has diverted the water away from me and the natural flow.

I have never known of the Bird Refugee to ever irrigate anything up until 2003.


Steve Tingey


Notary Public

*Luana Tingey Hood
122 West 3500 South, Bountiful, UT 84010
(801) 292-9015*

Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

November 22, 2003

Re: Bridge Creek Tributary Water Rights

Dear Sirs;

I have the following important information in regards to the above referenced water rights for the property now owned by: The **Ken O'Brien** family (**The OW Ranch**):

In 1888, my grandfather, **Perry G. Tingey** (now deceased) **acquired** (from the persons who homesteaded it) **their home ranch/property in Gray, Idaho and used the Bridge Creek Tributary for Stockwater/Agricultural purposes.** My father, **Charles H. Tingey** (now deceased), **purchased the ranch from his father Perry G. Tingey, and owned it until 1974.** The property is now owned by: The Ken O'Brien family, also known as The OW Ranch. Our deeds/records show that the water rights to: Eagle Creek, and Bridge Creek, were included in all sales from that time to present.

It is well known that **from 1888 to 1974, we (Tingey Family) were the only user of irrigation water from Bridge Creek, and maintained all ditches, culverts, and head gates.** My brother Larry Tingey recollects doing much work on those irrigation ditches, "especially in the area of the Linstrom property". The only people who ever irrigated below us were on the old James Sibbett Ranch. They used water from Eagle Creek by way of a ditch hand dug by James Sibbett.

In all the years the Tingey families owned the ranch, **we were never aware of any irrigating related to the Bridge Creek nor Eagle Creek tributaries done by the Bird Refuge employees,** nor was there ever a question of Water Rights ownership.

Please feel free to contact me with any further questions regarding the property and/or Water Rights on the property formerly owned by the Perry G. Tingey and/or the Charles H. Tingey family.

Sincerely,

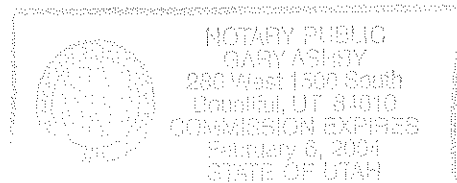
Luana Tingey Hood

Luana Tingey Hood, Representative
Charles Tingey Family Estate

Cc: Mr. Ken O'Brien, The OW Ranch
LHT/lhc

Notary Public Signature and stamp below:

[Signature]



November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

Idaho Department of Water Resources:

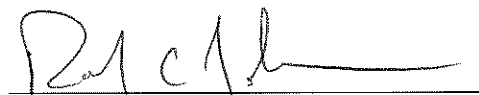
I have lived at Gray's Lake for 88 years. My grandfather James Sibbitt SR.
Homesteaded here.

The old Tingey ranch which is now the OW Ranch Inc. owned by the Ken
O'Brien family was the only ranch that irrigated out of Bridge Creek. The only ranches
that irrigated below there irrigated out of Eagle Creek. That ditch was built by my
grandfather James Sibbitt SR.

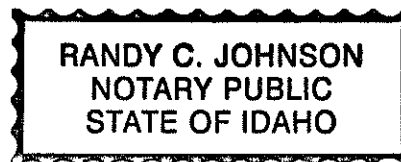
I have lived here all my life and have never known of the Bird Refuge to ever
irrigate anything up until 2003.



Russell Sibbitt



Notary Public



November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

Idaho Department of Water Resources:

My grandfather Homesteaded in the Grays Lake Valley. My father purchased his ranch, and I purchased part of my fathers ranch. We have stock water in Bridge Creek above and below the old Charlie Tingey ranch which is now the OW Ranch Inc. owned by the Ken O'Brien family. That ranch (OW ranch) is the only ranch that has irrigated out of Bridge Creek. The ranches below our place irrigated out of Eagle Creek. A ditch that James Sibbitt SR. hand dug to Eagle Creek.

I have lived here all my life and have never known of the Bird Refuge to ever irrigate anything up until 2003.

Brian Muir
Brian Muir

Denise Horsley
Notary Public

